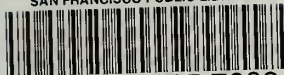


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Today

Pacheco, V... 10:59 ...

PUBLIC NOTICE - N...

PUBLIC NOTICE - NO BOA MEETINGS

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, December 16, 2011 10:58 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];
Cannon, Frances [frances.cannon@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for December 21, 2011, December 28, 2011, or January 04, 2012. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 11, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **December 15, 2011**

12-16-11A11:32 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 11, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 14, 2011 minutes.

(4) **SPECIAL ITEM:**

Presentation by the Department on the Status of Women and the San Francisco Police Department on the City's role in addressing human trafficking and the regulation of massage establishment permits.

01-06-12A11:17 RCVD

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REGULAR MEETING, BOARD OF APPEALS, JANUARY 11, 2012 - PAGE 2

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 1753 Beach Street. Letter from Anthony Soldato, Attorney for Beth Weesner, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2011/03/18/2376, which was issued on Nov. 10, 2011. The appeal period ended on Nov. 28, 2011, and the jurisdiction request was received at the Board office on Dec. 06 2011. Permit Holder: Sanford Specter. Project: remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows (in-kind at front; reconfigure at rear and sides); replace/resize skylight.

(5b) **JURISDICTION REQUEST:**

Subject property at 448 Diamond Street. Letter from Debra Reabock, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2010/07/13/6485"S", which was issued on April 08, 2011. The appeal period ended on April 25, 2011, and the jurisdiction request was received at the Board office on Dec. 12, 2011. Permit Holder: Steve & Maura Abernethy. Project: construct three-story, single-family dwelling with 924sf of ground floor area.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), (6G), (6H) & (6I) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 11-103**

SHEILA MURPHY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027 ALL NINE PUBLIC HEARINGS HELD ON DEC. 14, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matters continued to allow time for permit holder to seek Certificate of Sanitation from DPH for the 625 - 2nd Street location.
---	--

(6B) APPEAL NO. 11-104

ARISTO INVESTMENT GROUP LP, UMBERTO GIBIN dba "BARBACCO ENO TRATTORIA" & "PERBACCO RISTORANTE", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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(6C) APPEAL NO. 11-105

MICHELLE FUNKHOUSER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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(6D) APPEAL NO. 11-106

MONESH JOSAN dba "SUBWAY" & "7-ELEVEN", DAVID DAVARI dba "FOCACCIA MARKET BAKERY", AND PAUL AYANIAN dba "LE REGENCY DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
--	---

(6E) APPEAL NO. 11-107

JOHN ISAACS, OSMAN ZUGHAYER dba "ZIGGY'S BURGERS", AND VAN BOWERSMITH & CHAU DANG dba "LES CROISSANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 11, 2012 - PAGE 4

(6F) APPEAL NO. 11-108

MUNA AZZGHAYER dba "OASIS GRILL" & "DRUMM LIQUOR & DELI", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
--	---

(6G) APPEAL NO. 11-109

ARSALAN NAJMABADI dba "PORTICO RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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(6H) APPEAL NO. 11-111

HOWARD FISH dba "SKYLINE CONSTRUCTION", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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(6I) APPEAL NO. 11-112

CARLOS AGUILAR dba "ORALE ORALE MEXICAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	50 California Street, 625 – 2 nd Street, and 61 Beale Street. Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.
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(7) APPEAL NO. 11-132

SEB INVESTMENT GMBH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	One Bush Street. Protesting the issuance on Oct. 28, 2011, to Viet Duong Company Limited, Mobile Food Facility Permit (sale of Vietnamese sandwiches, spring rolls, bottled water and soda). PERMIT NO. 11MFF-0033. FOR HEARING TODAY.
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(8) APPEAL NO. 11-127

JAY MOSES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	150 Oak Street. Protesting the issuance on Oct. 27, 2011, to National Center for International Schools, Permit to Remove and Replace Three (3) Trees. ORDER NO. 179,675. FOR HEARING TODAY.
---	---

(9) APPEAL NO. 11-128

HELEN WATSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1400-1402 Kansas Street. Appealing the imposition of penalty on Oct. 26, 2011, for construction work done without a permit. APPLICATION NO. 2011/10/26/7704. FOR HEARING TODAY.
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(10) APPEAL NO. 11-129

JOSE & MARTA POCASANGRE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	178 Madrid Street. Appealing the imposition of penalty on Nov. 09, 2011, for construction work done without a permit. APPLICATION NO. 2011/09/09/4238. FOR HEARING TODAY.
--	--

(11) APPEAL NO. 11-119

JORDAN KWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	791-793 – 22 nd Avenue. Protesting the issuance on Oct. 07, 2011, to Michael Cabarrubia, Permit to Alter a Building (two-story rear yard addition with roof deck; legalize space at 1 st floor; provide two bedrooms and bath; new bedroom and relocate bath at 2 nd floor). APPLICATION NO. 2011/02/03/9574S. PUBLIC HEARING HELD ON DEC. 07, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to confer on a resolution and revised plans.
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(12) APPEAL NO. 11-126

MOSQUITO LLC dba "TUPELO", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1337 Grant Avenue. Appealing a Letter of Determination dated October 20, 2011, addressed to Entertainment Commission Director Jocelyn Kane, requesting that action be taken to remedy a conflict between a recently issued Place of Entertainment Permit at the subject property and prior Planning Commission actions related to this subject property. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 06, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
-----	VACANCY

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

REGULAR MEETING, BOARD OF APPEALS, JANUARY 11, 2012 - PAGE 8

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sothf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

January 11, 2012

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MEETING MINUTES - WEDNESDAY, JANUARY 11, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Kendall Goh, Vice President Michael Garcia, Commissioner Frank Fung and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works Bureau of Street-Use & Mapping (DPW BSM); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Goh announced that she is resigning from the Board effective January 19, 2012. Commissioner Hwang announced that she will be absent from the February 15, 2012 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Dec. 14, 2011 minutes.

ACTION: Upon motion by President Goh, the Board voted 4-0 to adopt the December 14, 2011 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Presentation by the Department on the Status of Women and the San Francisco Police Department on the City's role in addressing human trafficking and the regulation of massage establishment permits.

SPEAKERS: Emily Murase, Nancy Kirshner Rodriguez and SFPD Sergeant Arlin Vanderbilt spoke to the Board about the City's response to the problem of human trafficking and the role played by some massage parlors. They described San Francisco as a top destination for traffickers, how lucrative the practice is and what individuals and the City can do to respond when possible instances of trafficking is identified.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 1753 Beach Street. Letter from Anthony Soldato, Attorney for Beth Weesner, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2011/03/18/2376, which was issued on Nov. 10, 2011. The appeal period ended on Nov. 28, 2011, and the jurisdiction request was received at the Board office on Dec. 06 2011. Permit Holder: Sanford Specter. Project: remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows (in-kind at front; reconfigure at rear and sides); replace/resize skylight.

ACTION: Upon motion by President Goh, the Board voted 4-0 to grant the request on the basis of (1) the long delay between when the permit was approved and when the permit holder picked up the permit from DBI; and (2) the fact that the requestor was out of town when the permit was issued.

SPEAKERS: Andrew Zacks, attorney for requestor; Brian Soriano, attorney for permit holder; Brian Shepard, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5b) JURISDICTION REQUEST:

Subject property at 448 Diamond Street. Letter from Debra Reabock, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2010/07/13/6485"S", which was issued on April 08, 2011. The appeal period ended on April 25, 2011, and the jurisdiction request was received at the Board office on Dec. 12, 2011. Permit Holder: Steve & Maura Abernethy. Project: construct three-story, single-family dwelling with 924sf of ground floor area.

ACTION: Upon motion by Vice President Garcia, the Board voted 4-0 to deny the request on the basis that there was no error on the part of the city.

SPEAKERS: Debra Reabock, requestor; Craig Nikitas, agent for permit holder; Maura Abernethy, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), (6G), (6H) & (6I) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 11-103

<p>SHEILA MURPHY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027</p> <p>ALL NINE PUBLIC HEARINGS HELD ON DEC. 14, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matters continued to allow time for permit holder to seek Certificate of Sanitation from DPH for the 625 - 2nd Street location.</p>
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(6B) APPEAL NO. 11-104

<p>ARISTO INVESTMENT GROUP LP, UMBERTO GIBIN dba "BARBACCO ENO TRATTORIA" & "PERBACCO RISTORANTE", Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6C) APPEAL NO. 11-105

<p>MICHELLE FUNKHOUSER, Appellant (s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6D) APPEAL NO. 11-106

<p>MONESH JOSAN dba "SUBWAY" & "7-ELEVEN", DAVID DAVARI dba "FOCACCIA MARKET BAKERY", AND PAUL AYANIAN dba "LE REGENCY DELI", Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6E) APPEAL NO. 11-107

JOHN ISAACS,	
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<p>OSMAN ZUGHAYER dba "ZIGGY'S BURGERS",</p> <p>AND VAN BOWERSMITH & CHAU DANG</p> <p>dba "LES CROISSANT", Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6F) APPEAL NO. 11-108

<p>MUNA AZZGHAYER dba "OASIS GRILL"</p> <p>& "DRUMM LIQUOR & DELI",</p> <p>Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6G) APPEAL NO. 11-109

<p>ARSALAN NAJMABADI</p> <p>dba "PORTICO RESTAURANT",</p> <p>Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food).</p> <p>PERMIT NO. 11MFF-0027.</p> <p>SEE NOTE IN ITEM 6A.</p>
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(6H) APPEAL NO. 11-111

<p>HOWARD FISH</p> <p>dba "SKYLINE CONSTRUCTION",</p> <p>Appellant(s)</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p>
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<p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p style="text-align: center;">Respondent</p>	<p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.</p>
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(6I) APPEAL NO. 11-112

<p style="text-align: center;">CARLOS AGUILAR dba "ORALE ORALE MEXICAN RESTAURANT", Appellant(s)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p style="text-align: center;">Respondent</p>	<p>50 California Street, 625 – 2nd Street, and 61 Beale Street.</p> <p>Protesting the issuance on Sept. 20, 2011, to VK Industries Inc., Mobile Food Facility Permit (sale of Indian street food). PERMIT NO. 11MFF-0027. SEE NOTE IN ITEM 6A.</p>
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ACTION: Upon motion by Vice President Garcia, the Board voted 4-0 to grant the appeal and modify the permit to eliminate the locations at 50 California Street and 61 Beale Street on the basis that Mobile Food Facilities at the locations being struck would not be in the best interest of the community, pursuant to San Francisco Business and Tax Regulations Code, Article 1, Section 26.

SPEAKERS: Tim Volkema, permit holder; John Kwong, DPW; David Cincotta, attorney for appellants for Appeal Nos. 11-106 & 11-109.

PUBLIC COMMENT: None.

(7) APPEAL NO. 11-132

<p style="text-align: center;">SEB INVESTMENT GMBH, Appellant (s)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p style="text-align: center;">Respondent</p>	<p>One Bush Street.</p> <p>Protesting the issuance on Oct. 28, 2011, to Viet Duong Company Limited, Mobile Food Facility Permit (sale of Vietnamese sandwiches, spring rolls, bottled water and soda). PERMIT NO. 11MFF-0033. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Garcia, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that the concerns raised by the appellant were not sufficiently substantiated.

SPEAKERS: Lucy Moreno-Munn, agent for appellant; Tan Nguyen, agent for permit holder; Jack Duong, agent for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Khanh Tran spoke in support of the appellant.

(8) APPEAL NO. 11-127

<p>JAY MOSES, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF URBAN FORESTRY,</p> <p>Respondent</p>	<p>150 Oak Street.</p> <p>Protesting the issuance on Oct. 27, 2011, to National Center for International Schools, Permit to Remove and Replace Three (3) Trees.</p> <p>ORDER NO. 179,675.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Garcia, the Board voted 2-2 (President Goh and Commissioner Hwang dissented) to deny the appeal and uphold the permit on the basis of DPW Order #179,675. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Jay Moses, appellant; Daniel Klingebiel, agent for permit holder; Roy Leggitt, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Jacqui Naylor, David Weldy, Paul Guerette, Dierdre Scully, Jaime Raba, Paul Blake, Gregory Lyons and an anonymous speaker spoke in support of the appellant.

(9) APPEAL NO. 11-128

<p>HELEN WATSON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION,</p> <p>Respondent</p>	<p>1400-1402 Kansas Street.</p> <p>Appealing the imposition of penalty on Oct. 26, 2011, for construction work done without a permit.</p> <p>APPLICATION NO.</p> <p>2011/10/26/7704.</p>
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FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0 to reschedule the matter to January 18, 2012.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 11-129

<p>JOSE & MARTA POCASANGRE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>178 Madrid Street. Appealing the imposition of penalty on Nov. 09, 2011, for construction work done without a permit. APPLICATION NO. 2011/09/09/4238. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0 to grant the appeal and reduce the penalty to two times the penalty fee, on the basis that the illegal work was performed prior to the appellants' ownership of the building.

SPEAKERS: Rommel Madriz, agent for appellant; Jose Pocasangre, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) APPEAL NO. 11-119

<p>JORDAN KWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>791-793 – 22nd Avenue. Protesting the issuance on Oct. 07, 2011, to Michael Cabarrubia, Permit to Alter a Building (two- story rear yard addition with roof deck; legalize space at 1st floor; provide two bedrooms and bath;</p>
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new bedroom and relocate bath at 2nd floor).

**APPLICATION NO.
2011/02/03/9574S.**

PUBLIC HEARING HELD ON DEC. 07, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to confer on a resolution and revised plans.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and modify the permit to require that a three foot setback on the full length of the 2nd floor extension be provided on the appellant's side of the building.

SPEAKERS: Jordan Kwan, appellant; John Kwan, agent for appellant; Erin Cobarrubia, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(12) APPEAL NO. 11-126

**MOSQUITO LLC dba "TUPELO",
Appellant(s)**

vs.

**ZONING ADMINISTRATOR,
Respondent**

1337 Grant Avenue.

Appealing a Letter of Determination dated October 20, 2011, addressed to Entertainment Commission Director Jocelyn Kane, requesting that action be taken to remedy a conflict between a recently issued Place of Entertainment Permit at the subject property and prior Planning Commission actions related to this subject property.

FOR HEARING TODAY.

ACTION: Upon motion by President Goh, the Board voted 4-0 to reschedule the hearing to February 29, 2012.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Goh adjourned the meeting at 9:35 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 18, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

01-13-12P12:31 RCVD

(2) ELECTION OF OFFICERS:

GOVERNMENT
DOCUMENTS DEPT

(3) COMMISSIONER COMMENTS & QUESTIONS:

JAN 13 2012

(4) ADOPTION OF MINUTES:

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Discussion and possible adoption of the Jan. 11, 2012 minutes.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUESTS:

Subject property at 234 – 9th Street. Letter from Jakkee Bryson, requestor, asking that the Board take jurisdiction over Variance Case No. 2010.1074V, which was granted on May 06, 2011, and over Building Permit Application No. 2010/09/14/0870, which was issued on June 01, 2011. The appeal periods ended on May 16, 2011, and June 16, 2011, respectively. The jurisdiction requests were received at the Board office on Dec. 30, 2011. Variance Holder / Permit Holder: Rob Monaco. Project, rear yard variance: add one dwelling unit at 2nd and 3rd floors within a three-story building that covers entire lot. Project, building permit: interior renovation within existing shell including 730sf on outdoor open space within two courtyards; subtracted from building volume; new windows on NW and S façade; no change to east façade; no change to number of parking spaces; conversion of offices to residential single-family.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 18, 2012 - PAGE 2

(6) APPEAL NO. 11-136

WENDY OAKES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1290 Fell Street. Protesting the issuance on Nov. 14, 2011, to Dept. of Public Works, Permit to Remove and Replace One (1) Tree. ORDER NO. 179687. FOR HEARING TODAY.
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(7) APPEAL NO. 11-138

CESAR ASCARRUNZ, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2305 Mission Street. Appealing the denial on Nov. 28, 2011, of Mobile Food Facility Permit (sale of hot dogs, related toppings and non-alcoholic beverages). APPLICATION NO. 11MFF-0085. FOR HEARING TODAY.
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(8) APPEAL NO. 11-095

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD ON NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.
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(9) APPEAL NO. 11-128

HELEN WATSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1400-1402 Kansas Street. Appealing the imposition of penalty on Oct. 26, 2011, for construction work done without a permit. APPLICATION NO. 2011/10/26/7704. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JANUARY 18, 2012 - PAGE 3

(10) APPEAL NO. 11-120

THOMAS & SHELAGH ROHLEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	950 Lombard Street. Protesting the issuance on Oct. 11, 2011, to James Family Trust, Permit to Alter a Building (new garage and entry; addition in basement and major renovation and addition; interior and minor exterior alteration to residence). APPLICATION NO. 2002/05/23/7379S. FOR HEARING TODAY.
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(11) APPEAL NO. V11-135

POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	995 DeHaro Street. Protesting the granting on Nov. 18, 2011, to Michael Bell & Pauline Morton, Lot Size / Rear Yard / Open Space Variances (proposal is to split a standard 25' wide by 100' deep lot into two lots; this proposal would result in two dwelling units on each lot). VARIANCE CASE NO. 2011.0159V. FOR HEARING TODAY.
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(12) APPEAL NO. 11-137

FRANCIS McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340-356 Spruce Street. Protesting the issuance on Nov. 08, 2011, to Betty Ann Morris, Permit to Alter a Building (replace in-kind the existing rear exterior stairs at east rear yard). APPLICATION NO. 2011/03/29/3040. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 13, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

KENDALL GOH	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
CHRIS HWANG	COMMISSIONER
-----	VACANCY

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

January 18, 2012

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JANUARY 18, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung and Commissioner Kendall Goh.

Catherine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works Bureau of Street-Use & Mapping (DPW BSM); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by President Goh, the Board voted 4-0 to elevate Commissioner Hwang to Vice President. Upon further motion by Commissioner Fung, the Board voted 4-0 to elevate Vice President Garcia to President.

SPEAKERS: Noting that this would be her last meeting as a member of the Board, President Goh thanked the Board of Supervisors for her appointment and expressed her appreciation for the opportunity to serve. She stated that she hoped the parties appearing before the Board, especially those without representation, felt heard and respected, and noted how much the Board values due process and fairness. She expressed great appreciation for those who practice in the area of land use, and noted that the construction and design of buildings in San Francisco is very important to her.

PUBLIC COMMENT: None.

(3) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Fung congratulated Commissioner Goh on her decision to move her family to China. He noted that while they didn't always agree on how to decide matters, he felt she was always articulate and consistent in her approach to cases. Vice President Hwang also congratulated Commissioner Goh, noting that she was impressed with Commissioner Goh's service on the Board in light of the many other commitments she has taken on. Vice President Hwang commented that Commissioner Goh is always extremely prepared and thoughtful in her approach to the cases heard by the Board. President Garcia wished Commissioner Goh good luck on her upcoming adventure. He noted that Commissioner Goh was extremely conscientious and thorough in her approach to cases and always remembered that the disputes resolved by the Board were not abstractions, but involved real people with real problems.

PUBLIC COMMENT: None.

(4) ADOPTION OF MINUTES:

Discussion and possible adoption of the Jan. 11, 2012 minutes.
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to adopt the January 11, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUESTS:

Subject property at 234 – 9th Street. Letter from Jakkee Bryson, requestor, asking that the Board take jurisdiction over Variance Case No. 2010.1074V, which was granted on May 06, 2011, and over Building Permit Application No. 2010/09/14/0870, which was issued on June 01, 2011. The appeal periods ended on May 16, 2011, and June 16, 2011, respectively. The jurisdiction requests were received at the Board office on Dec. 30, 2011. Variance Holder / Permit Holder: Rob Monaco. Project, rear yard variance: add one dwelling unit at 2nd and 3rd floors within a three-story building that covers entire lot. Project, building permit: interior renovation within existing shell including 730sf on outdoor open space within two courtyards; subtracted from building volume; new windows on NW and S façade; no change to east façade; no change to number of parking spaces; conversion of offices to residential single-family.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the requests.

SPEAKERS: Jakkee Bryson, requestor; Jim Moye, agent for variance and permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 11-136

WENDY OAKES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1290 Fell Street. Protesting the issuance on Nov. 14, 2011, to Dept. of Public Works, Permit to Remove and Replace One (1) Tree. ORDER NO. 179687. FOR HEARING TODAY.
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to deny the appeal and uphold the permit on the basis of DPW Order No. 179,687.

SPEAKERS: Appellant did not appear; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) APPEAL NO. 11-138

CESAR ASCARRUNZ, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2305 Mission Street. Appealing the denial on Nov. 28, 2011, of Mobile Food Facility Permit (sale of hot dogs, related toppings and non-alcoholic beverages). APPLICATION NO. 11MFF-0085. FOR HEARING TODAY.
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to grant the appeal and overrule the Department on the basis that the appellant's lack of notice of the new permitting requirements tolled the ninety day application period.

SPEAKERS: Cesar Ascarrunz, appellant; John Kwong, DPW.

PUBLIC COMMENT: Julio Castillo spoke in support of the department.

(8) APPEAL NO. 11-095

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD ON NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for
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DBI to conduct a site visit; no additional briefing is allowed.
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ACTION: Upon motion by Vice President Hwang, the Board voted 4-0 to continue the matter to February 8, 2012, to allow the parties additional time to discuss settlement.

SPEAKERS: Pat Buscovich, appellant; John Kevlin, attorney for permit holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 11-128

HELEN WATSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1400-1402 Kansas Street. Appealing the imposition of penalty on Oct. 26, 2011, for construction work done without a permit. APPLICATION NO. 2011/10/26/7704. FOR HEARING TODAY.
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to grant the appeal and reduce the penalty to two times the regular fee.

SPEAKERS: Helen Watson, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 11-120

THOMAS & SHELAGH ROHLEN, Appellant(s)	950 Lombard Street.
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<p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>Protesting the issuance on Oct. 11, 2011, to James Family Trust, Permit to Alter a Building (new garage and entry; addition in basement and major renovation and addition; interior and minor exterior alteration to residence).</p> <p>APPLICATION NO. 2002/05/23/7379S.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Goh, the Board voted 4-0 to reschedule the matter to February 8, 2012, at the request of the parties.

SPEAKERS: Alice Barkley, attorney for permit holder.

PUBLIC COMMENT: None.

(11) APPEAL NO. V11-135

<p style="text-align: center;">POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">ZONING ADMINISTRATOR, Respondent</p>	<p>995 DeHaro Street.</p> <p>Protesting the granting on Nov. 18, 2011, to Michael Bell & Pauline Morton, Lot Size / Rear Yard / Open Space Variances (proposal is to split a standard 25' wide by 100' deep lot into two lots; this proposal would result in two dwelling units on each lot).</p> <p>VARIANCE CASE NO. 2011.0159V.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Goh dissented) to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Dick Millet, agent for appellant; Craig Nikitas, agent for variance holder; Pauline Morton, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 11-137**

FRANCIS McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340-356 Spruce Street. Protesting the issuance on Nov. 08, 2011, to Betty Ann Morris, Permit to Alter a Building (replace in-kind the existing rear exterior stairs at east rear yard). APPLICATION NO. 2011/03/29/3040. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it has been approved by DBI.

SPEAKERS: Francis McDonald, appellant; Mark Epstein, attorney for permit holder; Paul Okamoto, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Jacquie Gréaux and Jack Wolosewicz spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 8:35 p.m.



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Pacheco, ... 1:48 ...
PUBLIC NOTICE - N...**PUBLIC NOTICE - NO BOA MEETINGS**

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, January 20, 2012 1:48 PM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];
Garcia, Francisco [francisco.garcia@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for Jan. 25, 2012 or Feb. 01, 2012. The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 08, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Jan. 19, 2012**

Victor E. Pacheco, Legal Assistant

01-20-12P02:03 RCVD

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JAN 20 2012

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 08, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

GOVERNMENT
DOCUMENTS DEPT

(2) COMMISSIONER COMMENTS & QUESTIONS:

FEB - 8 2012

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the Jan. 18, 2012 minutes.

02-03-12A10:24 RCVD

(4) APPEAL NO. 11-140

LINDA ACH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	124 Commonwealth Avenue. Appealing the denial on Dec. 09, 2011, of Permit to Remove and Replace One (1) Tree. ORDER NO. 179,827. FOR HEARING TODAY.
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(5) APPEAL NO. 11-001

RUTH LEVY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1-11 Clement Street. Protesting the issuance on Dec. 22, 2010, to Yee Mei Cheung & Family, Minor Sidewalk Encroachment Permit. PERMIT NO. 10MSE-0328. FOR HEARING TODAY.
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(6) APPEAL NO. 11-141

LAUREN PALMATEER & MARIA VIRAG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Laguna St.: Hickory St. to Fell St. (415-499). Protesting the issuance on Dec. 13, 2011, to NextG Networks of California Inc., Wireless Box Permit. PERMIT NO. 11WR-0015. FOR HEARING TODAY.
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(7) APPEAL NO. 11-095

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD ON NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.
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(8) APPEAL NO. 11-120

THOMAS & SHELAGH ROHLEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	950 Lombard Street. Protesting the issuance on Oct. 11, 2011, to James Family Trust, Permit to Alter a Building (new garage and entry; addition in basement and major renovation and addition; interior and minor exterior alteration to residence). APPLICATION NO. 2002/05/23/7379S. FOR HEARING TODAY.
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(9) APPEAL NO. 11-139

LYDIA LUKIAN & ZOYA LUKIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1005 Baker Street. Protesting the issuance on Nov. 23, 2011, to Ruth Carlton, Permit to Alter a Building (remodel existing kitchen; construct new deck at rear of existing house; install new doors at existing window locations). APPLICATION NO. 2011/07/21/0742. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 03, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG VIC	E PRESIDENT
FRANK FUNG	COMMISSIONER
-----	VACANCY
-----	VACANCY

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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SPECIAL NOTES

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The complete Rules of the Board are available for review at the Board office, and on our website.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

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DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

February 8, 2012GOVERNMENT
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, FEBRUARY 08, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung and Commissioner Rich Hillis.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Dan Sider, Assistant Zoning Administrator, Planning Department (PD); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); John Kwong, Department of Public Works Bureau of Street-Use & Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Garcia introduced the Board's newest member, Rich Hillis and described his professional and educational background.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the Jan. 18, 2012 minutes.
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to adopt the January 18, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 11-140

<p>LINDA ACH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF URBAN FORESTRY,</p> <p>Respondent</p>	<p>124 Commonwealth Avenue.</p> <p>Appealing the denial on Dec. 09, 2011, of Permit to Remove and Replace One (1) Tree.</p> <p>ORDER NO. 179,827.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Hwang, the Board voted 4-0 to grant the appeal and condition the permit to require two replacement 48" box flowering plum trees.

SPEAKERS: Andrew Ach, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(5) APPEAL NO. 11-001

<p>RUTH LEVY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p>	<p>1-11 Clement Street.</p> <p>Protesting the issuance on Dec. 22, 2010, to Yee Mei Cheung & Family, Minor Sidewalk Encroachment Permit.</p> <p>PERMIT NO. 10MSE-0328.</p>
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Respondent	FOR HEARING TODAY.
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ACTION: Upon motion by President Garcia, the Board voted 3-1 (Vice President Hwang dissented) to continue this matter to March 21, 2012 to allow the parties time to explore alternative resolutions and to develop cost information. Each party is allowed six pages of additional briefing, with the permit holder's brief due two Thursdays prior to the hearing, and the appellant's and department's briefs due one Thursday prior to the hearing.

SPEAKERS: Ruth Levy, appellant; Zachary Nathan, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Les Silverman spoke in support of the appellant.

(6) APPEAL NO. 11-141

<p>LAUREN PALMATEER & MARIA VIRAG, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>Laguna St.: Hickory St. to Fell St. (415-499).</p> <p>Protesting the issuance on Dec. 13, 2011, to NextG Networks of California Inc., Wireless Box Permit.</p> <p>PERMIT NO. 11WR-0015.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it is Code Compliant.

SPEAKERS: Lauren Palmeteer, appellant; Maria Virag, appellant; Natasha Ernst, attorney for permit holder.

PUBLIC COMMENT: None.

(7) APPEAL NO. 11-095

<p>PAT BUSCOVICH, Appellant(s)</p> <p>vs.</p>	<p>40-50 Lansing Street.</p> <p>Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove</p>
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DEPT. OF BUILDING INSPECTION, Respondent	<p>existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414).</p> <p>APPLICATION NO. 2011/08/24/3104.</p> <p>PUBLIC HEARING HELD ON NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.</p>
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ACTION: Upon motion by President Garcia, the Board voted 4-0 to continue this matter to August 15, 2012 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 11-120

<p>THOMAS & SHELAGH ROHLEN, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>950 Lombard Street.</p> <p>Protesting the issuance on Oct. 11, 2011, to James Family Trust, Permit to Alter a Building (new garage and entry; addition in basement and major renovation and addition; interior and minor exterior alteration to residence).</p> <p>APPLICATION NO. 2002/05/23/7379S.</p> <p>FOR HEARING TODAY.</p>
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Withdrawn.

(9) APPEAL NO. 11-139

<p>LYDIA LUKIAN & ZOYA LUKIAN, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>1005 Baker Street.</p> <p>Protesting the issuance on Nov. 23, 2011, to Ruth Carlton, Permit to Alter a Building (remodel existing kitchen; construct new deck at rear of existing house; install new doors at existing window locations).</p> <p>APPLICATION NO. 2011/07/21/0742.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and condition the permit to require that a privacy screen of alternating lattice that is 4' 6" wide x 7' high, be added to the deck parallel to the property line beginning 3" from the street side edge of the appellant's bedroom window, based on a finding that this reflects the agreement of the parties.

SPEAKERS: Wayne Canterbury, attorney for appellants; Stuart Hills, agent for permit holder; Ruth Carlton, permit holder; Joseph Duffy, DBI; Dan Sider, Planning.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 15, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

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(2) COMMISSIONER COMMENTS & QUESTIONS:

FEB 10 2012

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the February 08, 2012 minutes.

02-10-12P01:00 RCVD

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Appeal No. 07-209, Martinovsky vs. Taxi Commission. On Dec. 14, 2011, the Board voted 3-0-2 (Commissioner Hwang absent, One Vacancy) to uphold the removal of Gary Martinovsky's name from the taxi medallion waiting list, with adoption of findings at a later time.

(5) APPEAL NO. 11-150

ATEYEH ATEYEH
dba "ROSE FOOD MART", Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

1000 Potrero Avenue.
Appealing a twenty (20) day suspension of
Tobacco Retail Sales Permit imposed on Dec.
14, 2011. Reason for suspension: selling
tobacco products to minors.
DIRECTOR'S CASE NO. FD11-60.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 15, 2012 - PAGE 2

(6) APPEAL NO. 11-099

ALLA DUBROVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1743 – 12 th Avenue. Appealing the suspension on Sept. 01, 2011, of Building Permit Application No. 2010/12/20/7039 (replace a failed property line retaining wall), for the reason that this permit was issued in error. FOR HEARING TODAY.
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(7) ADOPTION OF BUDGET:

Discussion and possible adoption of the departmental budget for fiscal years 2012-2013 and 2013-2014.

ADJOURNMENT.

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Date posted: **Feb. 10, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG VIC	E PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
-----	VACANCY

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

february 15, 2012

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APR 29 2013

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, FEBRUARY 15, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Frank Fung and Commissioner Rich Hillis.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (MTA DTAS); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Chris Hwang.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 08, 2012 minutes.
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ACTION: Upon motion by President Garcia, the Board voted 3-0-1 (Vice President Hwang absent) to adopt the February 8, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) ADOPTION OF FINDINGS:**

Appeal No. 07-209, <u>Martinovsky vs. Taxi Commission</u> . On Dec. 14, 2011, the Board voted 3-0-2 (Commissioner Hwang absent, One Vacancy) to uphold the removal of Gary Martinovsky's name from the taxi medallion waiting list, with adoption of findings at a later time.
--

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Hwang absent) to adopt the findings.

SPEAKERS: Jarvis Murray, MTA DTAS; the appellant did not appear.

PUBLIC COMMENT: None.

(5) APPEAL NO. 11-150

<p>ATEYEH ATEYEH dba "ROSE FOOD MART", Appellant (s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>1000 Potrero Avenue. Appealing a twenty (20) day suspension of Tobacco Retail Sales Permit imposed on Dec. 14, 2011. Reason for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD11-60. FOR HEARING TODAY.</p>
--	---

Withdrawn by appellant.

(6) APPEAL NO. 11-099

ALLA DUBROVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1743 – 12th Avenue. Appealing the suspension on Sept. 01, 2011, of Building Permit Application No. 2010/12/20/7039 (replace a failed property line retaining wall), for the reason that this permit was issued in error. FOR HEARING TODAY.
--	---

ACTION: Upon motion by President Garcia, the Board voted 3-0-1 (Vice President Hwang absent) to reschedule the matter to May 23, 2012.

SPEAKERS: Christine Tour-Sarkissian, attorney for appellant.

PUBLIC COMMENT: Reuben Becker spoke in support of the continuance.

(7) ADOPTION OF BUDGET:

Discussion and possible adoption of the departmental budget for fiscal years 2012-2013 and 2013-2014.
--

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Vice President Hwang absent) to approve the budget proposals.

SPEAKERS: Director Goldstein provided the Board with an update on the current year's budget, and proposals for fiscal years 2012-2013 and 2013-2014 budgets.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 5:45 p.m.



PUBLIC NOTICE - BOA

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, February 17, 2012 12:45 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Day, Vivian [vivian.day@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Gessner, Francesca [francesca.gessner@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

2/12 called

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for Feb. 22, 2012. The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 29, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Feb. 17, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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FEB 17 2012

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 29, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

9/12 At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

02-24-12A11:37 RCVD

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 15, 2012 minutes.

GOVERNMENT
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(4) **ADDENDUM ITEMS:**

FEB 24 2012

(4a) **JURISDICTION REQUESTS:**

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Subject property at 644 Morse Street and 43 Brussels Street. Letter from A.F. & Doland Dahlstrom, requestors, asking that the Board take jurisdiction over Wireless Box Permit Nos. 10WR-0145 and 10WR-0156, which were issued on Jan. 18, 2011 and Dec. 21, 2010, respectively; the appeal periods ended on Feb. 02, 2011, and Jan. 05, 2011, respectively, and the jurisdiction requests were received at the Board office on Feb. 07, 2012. Permit Holder: NextG Networks of California, Inc.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 29, 2012 - PAGE 2

(5) APPEAL NO. 11-145

SHASHA LEWIS dba "OLA'S EXOTIC COFFEE & TEA OAKBBQ, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2701 Taylor Street. Appealing the denial on December 14, 2011, of Mobile Food Facility Permit (sale of African coffee, exotic teas and sweets). APPLICATION NO. 11MFF-0111. ORDER NO. 179,830. FOR HEARING TODAY.
---	---

(6) APPEAL NO. 12-003

SHASHA LEWIS dba "OLA'S EXOTIC COFFEE & TEA OAKBBQ, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2801 Leavenworth Street. Appealing the denial on December 22, 2011, of Mobile Food Facility Permit (sale of African coffee, exotic teas and sweets). APPLICATION NO. 11MFF-0090. FOR HEARING TODAY.
---	--

(7) APPEAL NO. 12-009

RICHMOND RESIDENTS ASSOC. & CHINESE AMERICAN VOTERS EDUCATION COMMITTEE, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	4649 Geary Blvd. Protesting the conditional grant on Jan. 24, 2012, to Saeed Khan dba "Jack in the Box" of Extended Hours Premises Permit. PERMIT NO. EC-1080 EHP. FOR HEARING TODAY.
--	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: February 24, 2012

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 29, 2012 - PAGE 4

attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B.

REGULAR MEETING, BOARD OF APPEALS, FEBRUARY 29, 2012 - PAGE 5

Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

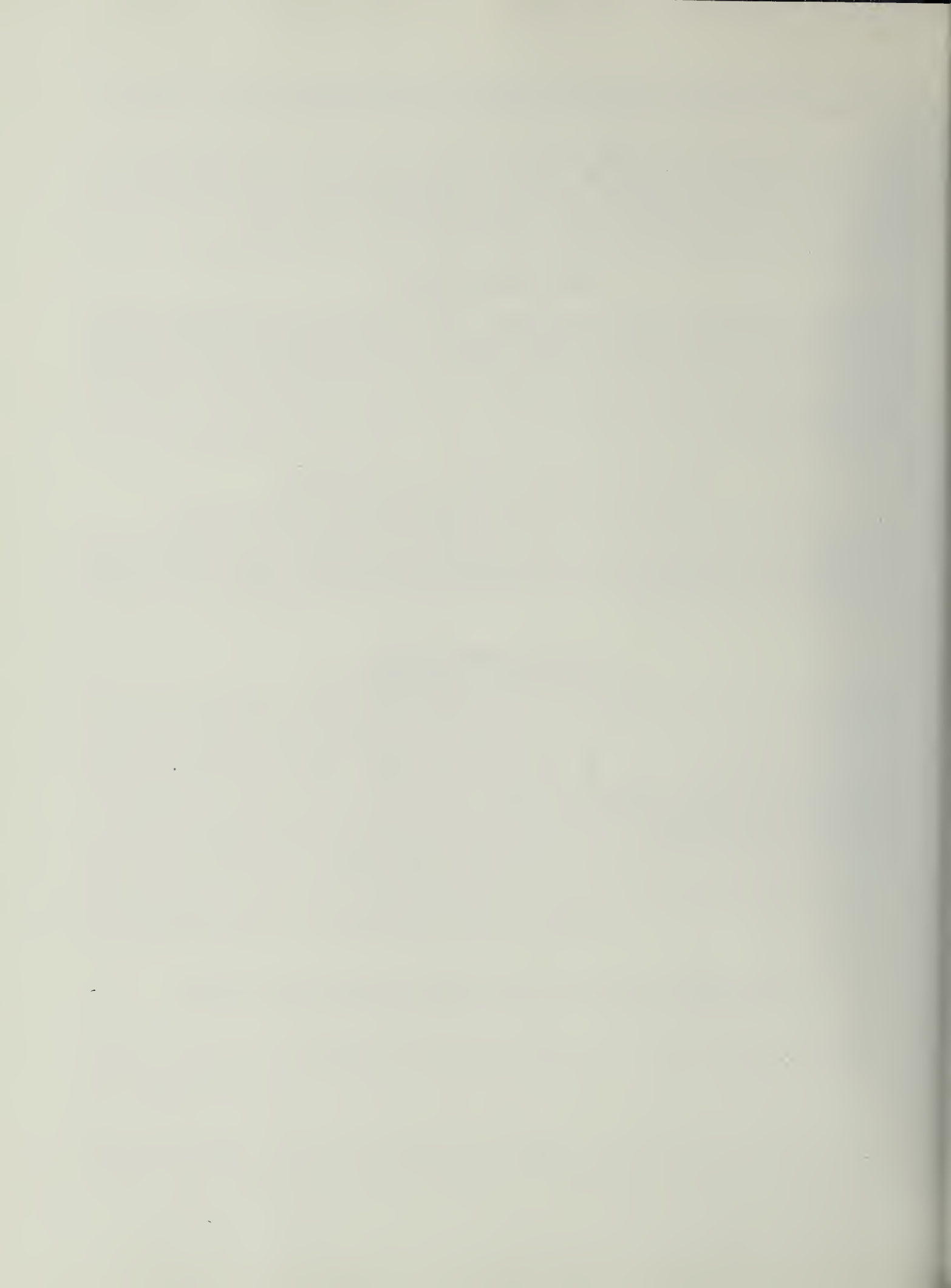
SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



February 29, 2012

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BOARD OF APPEALS SAN FRANCISCO
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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 29, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.

GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); John Kwong, Department of Public Works Bureau of Street-Use & Mapping (DPW BSM); Jocelyn Kane, Entertainment Commission; Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Garcia introduced Commissioner Hurtado, described her professional and educational background, and welcomed her to the Board.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 15, 2012 minutes.

ACTION: Upon motion by President Garcia the Board voted 5-0 to adopt the February 15, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUESTS:

Subject property at 644 Morse Street and 43 Brussels Street. Letter from AF & Doland Dahlstorm, requestors, asking that the Board take jurisdiction over Wireless Box Permit Nos. 10WR-0145 and 10WR-0156, which were issued on Jan. 18, 2011 and Dec. 21, 2010, respectively; the appeal periods ended on Feb. 02, 2011, and Jan. 05, 2011, respectively, and the jurisdiction requests were received at the Board office on Feb. 07, 2012. Permit Holder: NextG Networks of California, Inc.

ACTION: Upon motion by Commissioner Hillis, the Board voted 5-0 to take jurisdiction over Permit No. 10WR-0145 on the basis that the permit holder has conceded to jurisdiction. Upon further motion by President Garcia, the Board voted 5-0 to deny the request to take jurisdiction over Permit No. 10WR-0156 because the permit has expired.

SPEAKERS: A.F., requestor; Doland Dahlstorm, requestor; Natasha Ernst, attorney for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Yulimar Chiu spoke in support of the requestor.

(5) APPEAL NO. 11-145

SHASHA LEWIS

2701 Taylor Street.

<p>dba "OLA'S EXOTIC COFFEE & TEA OAKBBQ, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>Appealing the denial on December 14, 2011, of Mobile Food Facility Permit (sale of African coffee, exotic teas and sweets).</p> <p>APPLICATION NO. 11MFF-0111.</p> <p>ORDER NO. 179,830.</p> <p>FOR HEARING TODAY.</p>
--	---

ACTION: Upon motion by President Garcia, the Board voted 3-2 (Vice President Hwang and Commissioner Hurtado dissented) to deny the appeal and uphold the department on the basis stated in the DPW Order that the proposed operation is within 300 feet of an established business with the same type of food product.

SPEAKERS: Shasha Lewis, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Deon Colombini spoke in support of the appellant. Christine Maley-Grubl and Donald Sweet spoke in support of the department.

(6) APPEAL NO. 12-003

<p>SHASHA LEWIS</p> <p>dba "OLA'S EXOTIC COFFEE & TEA OAKBBQ, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>2801 Leavenworth Street.</p> <p>Appealing the denial on December 22, 2011, of Mobile Food Facility Permit (sale of African coffee, exotic teas and sweets).</p> <p>APPLICATION NO. 11MFF- 0090.</p> <p>FOR HEARING TODAY.</p>
---	--

ACTION: Upon motion by President Garcia, the Board voted 4-1 (Commissioner Hillis dissented) to grant the appeal and overturn the department on the basis that the reason for the denial given by DPW has not been substantiated.

SPEAKERS: Shasha Lewis, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Christine Maley-Grubl spoke in support of the department.

(7) APPEAL NO. 12-009

<p>RICHMOND RESIDENTS ASSOC. & CHINESE AMERICAN VOTERS EDUCATION COMMITTEE, Appellant (s)</p> <p>vs.</p> <p>ENTERTAINMENT COMMISSION, Respondent</p>	<p>4649 Geary Blvd.</p> <p>Protesting the conditional grant on Jan. 24, 2012, to Saeed Khan dba "Jack in the Box", Extended Hours Premises Permit.</p> <p>PERMIT NO. EC-1080 EHP.</p> <p>FOR HEARING TODAY.</p>
---	---

ACTION: Upon motion by President Garcia, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the permit on the basis that the denial was not warranted under San Francisco Police Code Section 1060.5(f) for the reasons stated in the Entertainment Commission's brief. The Board also urged the Entertainment Commission to hold a public hearing in six months to review the operation of the permit, including compliance with the security conditions placed thereon.

SPEAKERS: Christopher Rillo, attorney for appellants; Arthur Bryden, agent for permit holder; Saeed Khan, permit holder; Jocelyn Kane, Entertainment Commission; Officer Tobius Moore, San Francisco Police Department; Scott Sanchez, Zoning Administrator.

PUBLIC COMMENT: Tracy West, Russ Albo, Susan Fry, and Ayn McGee spoke in support of the appellants. Stefano Cassolato and Mark Rennie spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:40 p.m.

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Today

Goldstein... 8:22 ...
PUBLIC NOTICE - N...**PUBLIC NOTICE - NO BOA MEETING**

Goldstein, Cynthia [cynthia.goldstein@sfgov.org]

Sent: Friday, March 02, 2012 8:22 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];
Cannon, Eugene [eugene.cannon@sfgov.org]

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for March 7, 2012. The next regular meeting is scheduled for **WEDNESDAY, March 14, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: March 02 2012

03-02-12A09:09 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 14, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

03-09-12A10:34 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 29, 2012 minutes.

MAR - 9 2012

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(4) **APPEAL NO. 12-004**

BETH WEESNER, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

1753 Beach Street.

Protesting the issuance on Nov. 10, 2011, to Sanford Specter, Permit to Alter a Building (remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight).

APPLICATION NO. 2011/03/18/2376.

JURISDICTION GRANTED JAN. 11, 2012.

FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, MARCH 14, 2012 - PAGE 2

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 12-007

ALAN BURRADELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	62 Collingwood Street. Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency). APPLICATION NO. 2012/01/20/2596. FOR HEARING TODAY.
--	--

(5B) APPEAL NO. 12-011

ANDREW PEARCE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	62 Collingwood Street. Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency). APPLICATION NO. 2012/01/20/2596. FOR HEARING TODAY.
---	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 9, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG VIC	E PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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REGULAR MEETING, BOARD OF APPEALS, MARCH 14, 2012 - PAGE 4

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sof@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

REGULAR MEETING, BOARD OF APPEALS, MARCH 14, 2012 - PAGE 5

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

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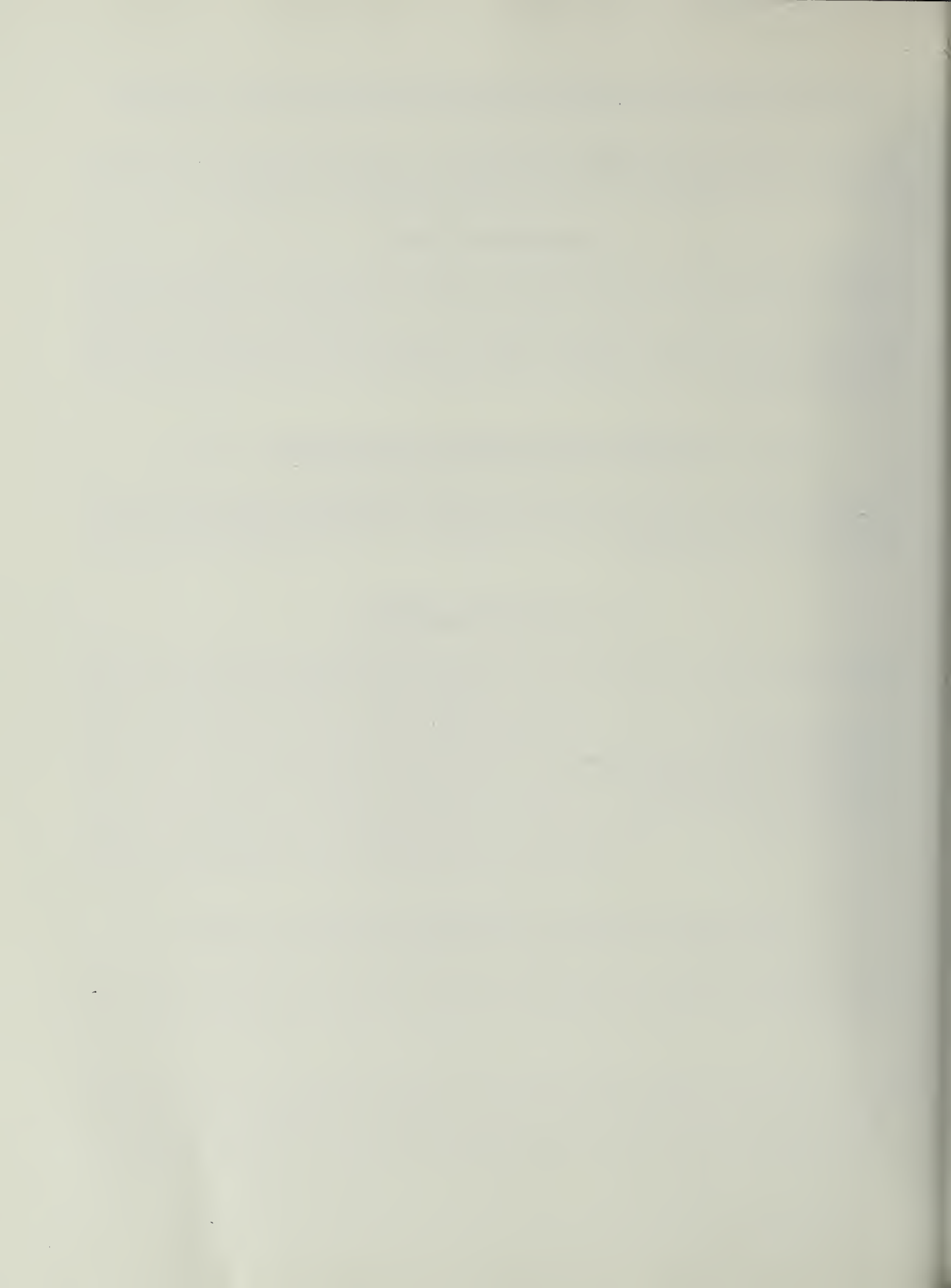
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DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



March 14, 2012

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MARCH 14, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hwang announced that she will be absent from the March 21, 2012 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 29, 2012 minutes.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to adopt the February 29, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-004

<p>BETH WEESNER, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1753 Beach Street.</p> <p>Protesting the issuance on Nov. 10, 2011, to Sanford Specter, Permit to Alter a Building (remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight).</p> <p>APPLICATION NO. 2011/03/18/2376.</p> <p>JURISDICTION GRANTED JAN. 11, 2012.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 5-0 to reschedule the matter to March 21, 2012 at the request of both parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (A) & (B) SHALL BE HEARD TOGETHER:**(A) APPEAL NO. 12-007**

<p>ALAN BURRADELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>62 Collingwood Street. Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency). APPLICATION NO. 2012/01/20/2596. FOR HEARING TODAY.</p>
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(B) APPEAL NO. 12-011

<p>ANDREW PEARCE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>62 Collingwood Street. Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency). APPLICATION NO. 2012/01/20/2596. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Commissioners Hillis and Hurtado dissented) to continue both appeals to April 11, 2012 to allow the appellant's Discretionary Review application to be considered by the Planning Commission.

SPEAKERS: Alan Burradell, appellant; Beth Leber, permit holder; Scott Sanchez, ZA.
Appellant Pearce did not appear.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 6:00 p.m.

BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 21, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE****(1) PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:GOVERNMENT
DOCUMENTS DEPT

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(3) ADOPTION OF MINUTES:SAN FRANCISCO
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Discussion and possible adoption of the March 14, 2012 minutes.

(4) ADDENDUM ITEMS:**(4a) JURISDICTION REQUEST:**

Subject property at 2825-2827 Greenwich Street. Letter from Gregory Hanson, requestor, asking that the Board take jurisdiction over BPA No. 2012/01/24/2796, which was issued on Jan. 24, 2012; the appeal period ended on Feb. 08, 2012, and the jurisdiction request was received at the Board office on March 07, 2012. Permit Holder: Jeff Schlarb. Project: remove illegal unit at back of garage; install drywall at side lot walls and ceiling adjacent to unit above, and at rear wall.

REGULAR MEETING, BOARD OF APPEALS, MARCH 21, 2012 - PAGE 2

(5) APPEAL NO. 11-001

<p>RUTH LEVY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>1-11 Clement Street. Protesting the issuance on Dec. 22, 2010, to Yee Mei Cheung & Family, Minor Sidewalk Encroachment Permit. PERMIT NO. 10MSE-0328. PUBLIC HEARING HELD FEB. 08, 2012; FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to pursue other proposals; additional briefing is allowed.</p>
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(6) APPEAL NO. 12-019

<p>BETH ROY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>270 Prospect Avenue. Appealing the denial on Feb. 13, 2012, of Permit to Remove and Replace Two (2) Trees. ORDER NO. 179,959. FOR HEARING TODAY.</p>
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(7) APPEAL NO. 12-004

<p>BETH WEESNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1753 Beach Street. Protesting the issuance on Nov. 10, 2011, to Sanford Specter, Permit to Alter a Building (remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight). APPLICATION NO. 2011/03/18/2376. JURISDICTION GRANTED JAN. 11, 2012. FOR HEARING TODAY.</p>
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REGULAR MEETING, BOARD OF APPEALS, MARCH 21, 2012 - PAGE 3

(8) APPEAL NO. 12-005

<p>GEOFF WOOD & MARK STRASSBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2754-2756 Baker Street. Protesting the issuance on Jan. 18, 2012, to Kevin Robinson & Jake Vink, Permit to Alter a Building (widen garage door; reconfigure walls at back of garage; electrical upgrade for separate condo conversion; new insulated windows at sides and rear; at upper unit - remodel kitchen and bath, and add new bath; reconfigure walls at bedrooms and at dining; add closet at sunroom; add roof deck, and refurbish existing penthouse). APPLICATION NO. 2011/12/15/0717. FOR HEARING TODAY.</p>
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(9) APPEAL NO. 12-006

<p>JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>731 Commercial Street. Protesting the issuance on Jan. 13, 2012, to Charity Cultural Services Center, Permit to Alter a Building (revision to BPA No. 2010/05/05/1750; remove existing front steel gate; replace broken glass in windows with same kind of frame intact; replace broken exterior door with same kind; paint outside of building same color). APPLICATION NO. 2011/02/02/9554. FOR HEARING TODAY.</p>
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(10) APPEAL NO. 12-010

<p>GEORGE HAUSER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>309-311 Eureka Street. Protesting the issuance on Jan. 19, 2012, to Gabe Friel, Permit to Erect a Building (four-story, two-unit residential building with 1,339sf of ground floor area). APPLICATION NO. 2009/05/04/7636S. FOR HEARING TODAY.</p>
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REGULAR MEETING, BOARD OF APPEALS, MARCH 21, 2012 - PAGE 4

(11) APPEAL NO. 12-012

CHRISTOPHER PRICE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Lombard Street. Protesting the issuance on Feb. 03, 2012, to David Blanz, Permit to Alter a Building (create new 10' high, fire-rated wall in existing court). APPLICATION NO. 2012/02/03/3472. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 16, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives

REGULAR MEETING, BOARD OF APPEALS, MARCH 21, 2012 - PAGE 5

of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



March 21 2012GOVERNMENT
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MARCH 21, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); Nick Elsner, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Chris Hwang.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 14, 2012 minutes.

ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Vice President Hwang absent) to adopt the March 14, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) JURISDICTION REQUEST:**

Subject property at 2825-2827 Greenwich Street. Letter from Gregory Hanson, requestor, asking that the Board take jurisdiction over BPA No. 2012/01/24/2796, which was issued on Jan. 24, 2012; the appeal period ended on Feb. 08, 2012, and the jurisdiction request was received at the Board office on March 07, 2012. Permit Holder: Jeff Schlarb. Project: remove illegal unit at back of garage; install drywall at side lot walls and ceiling adjacent to unit above, and at rear wall.

ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Vice President Hwang absent) to deny the request.

SPEAKERS: James Coy Driscoll, attorney for requestor; Gregory Hanson, requestor; Daniel Bornstein, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 11-001

<p>RUTH LEVY, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p>	<p>1-11 Clement Street.</p> <p>Protesting the issuance on Dec. 22, 2010, to Yee Mei Cheung & Family, Minor Sidewalk Encroachment Permit.</p>
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**BUREAU OF STREET-USE &
MAPPING,**

Respondent

PERMIT NO. 10MSE-0328.

PUBLIC HEARING HELD FEB. 08, 2012; FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to pursue other proposals; additional briefing is allowed.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hwang absent) to continue the matter to May 9, 2012 to allow the permit holder time to explore alternate plans consistent with the Board's guidance.

SPEAKERS: Zachary Nathan, agent for permit holder; Ruth Levy, appellant; Nick Elsner, DPW BSM.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-019

BETH ROY, Appellant(s)

vs.

**DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY,
Respondent**

270 Prospect Avenue.

Appealing the denial on Feb. 13, 2012, of Permit to Remove and Replace Two (2) Trees.

ORDER NO. 179,959.

FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Vice President Hwang absent) to grant the appeal and overturn the department on the condition that the two trees be replaced at the discretion of the Department of Public Works Bureau of Urban Forestry (DPW BUF) with either (a) two 36" box trees; (b) three 24" box trees; or (c) two 24" box trees; and that the species of the replacement trees also be at the discretion of DPW BUF. The Board's decision is based on a finding that the existing trees present pedestrian and traffic safety hazards.

SPEAKERS: Beth Roy, appellant; Mariah Breeding, agent for appellant; Roy Leggitt, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: Stephen Horowitz spoke in support of the appellant.

(7) APPEAL NO. 12-004

<p>BETH WEESNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>1753 Beach Street. Protesting the issuance on Nov. 10, 2011, to Sanford Specter, Permit to Alter a Building (remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight). APPLICATION NO. 2011/03/18/2376. JURISDICTION GRANTED JAN. 11, 2012. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hillis, the Board voted 4-0-1 (Vice President Hwang absent) to grant the appeal and uphold the permit on the condition that it be modified to eliminate from the scope of work the new roof deck, exterior stair to new roof deck, any resizing or replacement of skylights and a new water heater, with a finding that by removing these scopes of work the block and lot number reflected on the permit is correct.

SPEAKERS: Anthony Soldato, attorney for appellant; Brian Soriano, attorney for permit holder; Brian Shepard, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Pat Buscovich spoke about how DBI treats lot numbers when a building is converted into condominiums.

(8) APPEAL NO. 12-005

<p style="text-align: center;">GEOFF WOOD & MARK STRASSBERG, Appellant (s)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF BUILDING INSPECTION, Respondent</p> <p style="text-align: center;">PLANNING DEPT. APPROVAL</p>	<p>2754-2756 Baker Street.</p> <p>Protesting the issuance on Jan. 18, 2012, to Kevin Robinson & Jake Vink, Permit to Alter a Building (widen garage door; reconfigure walls at back of garage; electrical upgrade for separate condo conversion; new insulated windows at sides and rear; at upper unit - remodel kitchen and bath, and add new bath; reconfigure walls at bedrooms and at dining; add closet at sunroom; add roof deck, and refurbish existing penthouse).</p> <p>APPLICATION NO. 2011/12/15/0717.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hwang absent) to grant the appeal and uphold the permit on the condition that the gas grill be relocated to the west wall of the penthouse and that the rail of the roof deck to the north that is adjacent to the light well be moved inward 1'6" or less, up to the point where legal egress may be maintained, and that the rail of roof deck to the south that is adjacent to the light well be moved inward 1'6".

SPEAKERS: Geoff Wood, appellant; Mark Strassberg, appellant; Kevin Robinson, permit holder; Kelly Condon, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Christine Bartlett-Hinkley spoke in support of the appellants.

(9) APPEAL NO. 12-006

<p style="text-align: center;">JASON BLEY, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF BUILDING INSPECTION, Respondent</p> <p style="text-align: center;">PLANNING DEPT. APPROVAL</p>	<p>731 Commercial Street.</p> <p>Protesting the issuance on Jan. 13, 2012, to Charity Cultural Services Center, Permit to Alter a Building (revision to BPA No. 2010/05/05/1750; remove existing front steel gate; replace broken glass in windows with same kind of</p>
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frame intact; replace broken exterior door with same kind; paint outside of building same color).

**APPLICATION
2011/02/02/9554.**

NO.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hwang absent) to grant the appeal and modify the permit in accordance with the revised plans dated March 15, 2012 by the Board of Appeals, and pursuant to the mutual request of the parties.

SPEAKERS: Jason Bley, appellant; Mel Lee, agent for permit holder.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-010

<p>GEORGE HAUSER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>309-311 Eureka Street. Protesting the issuance on Jan. 19, 2012, to Gabe Friel, Permit to Erect a Building (four-story, two-unit residential building with 1,339sf of ground floor area). APPLICATION 2009/05/04/7636S. FOR HEARING TODAY.</p> <p>NO.</p>
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WITHDRAWN BY APPELLANT.

(11) APPEAL NO. 12-012

<p>CHRISTOPHER PRICE, Appellant (s) vs.</p>	<p>1100 Lombard Street. Protesting the issuance on Feb. 03, 2012, to David Blanz, Permit to Alter a Building (create new 10'</p>
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	high, fire-rated wall in existing court). APPLICATION 2012/02/03/3472. FOR HEARING TODAY.	NO.
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ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Vice President Hwang absent) to deny the appeal and uphold the permit on the basis that the wall is Code compliant and no evidence was presented to cause the Board to overturn the permit.

SPEAKERS: Christa Shaw, attorney for appellant; Jeffrey Maddox, agent for appellant; Jim Reuben, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:30 p.m.

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, March 23, 2012 12:15 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Day, Vivian [vivian.day@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Gessner, Francesca [francesca.gessner@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

P U B L I C N O T I C E

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^{cited}
The Board of Appeals has **CANCELLED** the meeting of March 28, 2012, and has **NOT SCHEDULED** a meeting for April 04, 2012. The next regular meeting is scheduled for **WEDNESDAY, APRIL 11, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **March 23, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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MAR 23 2012

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 11, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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APR - 6 2012

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the March 21, 2012 minutes.

04-06-12P12:53 RCVD

(4) **APPEAL NO. 12-011**

ANDREW PEARCE, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

62 Collingwood Street.
Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency).
APPLICATION NO. 2012/01/20/2596.
PUBLIC HEARING HELD ON MARCH 14, 2012. FOR FURTHER CONSIDERATION TODAY. **Note: additional briefing is allowed.**

REGULAR MEETING, BOARD OF APPEALS, APRIL 11, 2012 - PAGE 2

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 2701 Taylor Street. Letter from ShaSha Lewis, appellant, requesting a rehearing of Appeal No. 11-145, Lewis vs. DPW BSM, decided on Feb. 29, 2012. At that time, the Board voted 3-2 to deny the appeal and uphold the denial of the Mobile Food Facility Permit by DPW BSM on the basis stated in the DPW Order that the proposed operation is within 300 feet of an established business with the same type of food product.

(5b) **REHEARING REQUEST:**

Subject property at 2801 Leavenworth Street. Letter from John Kwong, agent for DPW BSM, respondent, requesting a rehearing of Appeal No. 12-003, Lewis vs. DPW BSM, decided on Feb. 29, 2012. At that time, the Board voted 4-1 to grant the appeal and overrule the denial of the Mobile Food Facility Permit by the DPW BSM on the basis that the reason for the denial has not been substantiated.

(5c) **REHEARING REQUEST:**

Subject property at 4201- 4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. The appeal is protesting the issuance of a Letter of Determination to Tenderloin Housing Clinic on November 19, 1997 that finds no legal non-conforming use of the property as a tourist hotel has been established. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Lacking the three votes needed to uphold a departmental action, the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Lacking the four votes needed to overturn a departmental action, the motion failed, and the subject determination was upheld by operation of law. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Lacking the three votes needed to pass, the motion failed. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. **Note: With all action in Superior Court resolved, this matter was returned from the Call of the Chair calendar at the initiation of Board staff and with the consent of the parties.**

REGULAR MEETING, BOARD OF APPEALS, APRIL 11, 2012 - PAGE 3

(6) APPEAL NO. 12-023

TONG SUN KIM dba "MIRALOMA LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	691 Portola Drive. Appealing a twenty (20) day suspension of a Tobacco Product Sales Establishment Permit, imposed on February 15, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-12-09. FOR HEARING TODAY.
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(7) APPEAL NO. 12-024

RAJAI ALKHALIDI dba "EEZY FREEZY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	25 West Portal Avenue. Appealing a twenty (20) day suspension of a Tobacco Product Sales Establishment Permit, imposed on February 15, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-12-11. FOR HEARING TODAY.
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(8) APPEAL NO. 12-021

LAURIE HERRAIZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	395 Arkansas Street aka 1566 - 19 th Street. Protesting the issuance on February 03, 2012, to Neill Sullivan, Permit to Alter a Building (complete internal remodeling; rebuild bay window and add new windows, expand existing deck). APPLICATION NO. 2012/01/26/2966. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 06, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG VIC	E PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

REGULAR MEETING, BOARD OF APPEALS, APRIL 11, 2012 - PAGE 5

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, APRIL 11, 2012 - PAGE 6

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

April 11, 2012

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WENESDAY, APRIL 11, 2012

**5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works Bureau of Street-Use & Mapping (DPW BSM); Janine Young, Senior Environmental Health Inspector, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Fung announced that he will be absent from the April 25, 2012 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 21, 2012 minutes.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to adopt the March 21, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-011

<p>ANDREW PEARCE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>62 Collingwood Street. Protesting the issuance on Jan. 20, 2012, to Beth Leber, Permit to Alter a Building (legalize Marvin triple-pane, double-hung, aluminum clad windows that were installed without permit in Nov. 2007; six of the windows face the street; 5 of the windows face the side; replacement was done to decrease street noise and improve energy efficiency). APPLICATION NO. 2012/01/20/2596. PUBLIC HEARING HELD ON MARCH 14, 2012. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed.</p>
--	--

WITHDRAWN BY APPELLANT.

(5) ADDENDUM ITEMS:

(5a) REHEARING REQUEST:

Subject property at 2701 Taylor Street. Letter from ShaSha Lewis, appellant, requesting a rehearing of Appeal No. 11-145, Lewis vs. DPW BSM, decided on Feb. 29, 2012. At that time, the Board voted 3-2 to deny the appeal and uphold the denial of the Mobile Food Facility Permit by DPW BSM on the basis stated in the DPW Order that the proposed operation is within 300 feet of an established business with the same type of food product.

ACTION: Upon motion by President Garcia, the Board voted 3-2 (Vice President Hwang and Commissioner Hurtado dissented) to deny the request.

SPEAKERS: ShaSha Lewis, requestor; Dr. Ola Robert Hassan, agent for requestor; John Kwong, DPW BSM.

PUBLIC COMMENT: Ghais Alqadar spoke in support of the requestor. Christine Maley-Grubl spoke in support of the department.

(5b) REHEARING REQUEST:

Subject property at 2801 Leavenworth Street. Letter from John Kwong, agent for DPW BSM, respondent, requesting a rehearing of Appeal No. 12-003, Lewis vs. DPW BSM, decided on Feb. 29, 2012. At that time, the Board voted 4-1 to grant the appeal and overrule the denial of the Mobile Food Facility Permit by the DPW BSM on the basis that the reason for the denial has not been substantiated.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to deny the request.

SPEAKERS: John Kwong, DPW; ShaSha Lewis, permit holder; Dr. Ola Robert Hassan, agent for permit holder.

PUBLIC COMMENT: Ghais Alqadar and Ryan (no last name given) spoke in support of the permit holder. Troy Campbell spoke in support of the department.

(5c) REHEARING REQUEST:

Subject property at 4201- 4211 Judah Street. Letter from Andrew Zacks, attorney for Bhazubai Patel, Appellant, requesting rehearing of Appeal No(s). 97-165, Patel vs. ZA, decided Feb. 18, 1998. The appeal is protesting the issuance of a Letter of Determination to Tenderloin

Housing Clinic on November 19, 1997 that finds no legal non-conforming use of the property as a tourist hotel has been established. Upon motion by Commissioner Salgado, the Board voted 1-4 (President Cullum, Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to uphold the subject determination. Lacking the three votes needed to uphold a departmental action, the motion failed. Afterwards, upon motion by Commissioner Schwartz, the Board voted 3-2 (President Cullum and Commissioner Salgado dissented) to overrule the subject determination. Lacking the four votes needed to overturn a departmental action, the motion failed, and the subject determination was upheld by operation of law. Then, on April 1, 1998, the Board considered the request for rehearing by the appellant. At that time, upon motion by Commissioner Salgado, the Board voted 2-3 (Vice President McInerney, Commissioner Chin and Commissioner Schwartz dissented) to deny the request for rehearing. Lacking the three votes needed to pass, the motion failed. Afterwards, upon motion by Vice President McInerney, the Board voted 3-2 to continue the matter to await action by the Superior Court. Note: With all action in Superior Court resolved, this matter was returned from the Call of the Chair calendar at the initiation of Board staff and with the consent of the parties.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to grant the request based on there being new evidence, namely the 2002 Certificate of Use issued by the Department of Building Inspection. The new hearing will take place on June 20, 2012.

SPEAKERS: Andrew Zacks, attorney for requestor; Steve Collier, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Supervisor Carmen Chu, Daniel Strickler and Rick Snow spoke in support of the requestor. Daniel G. Donnelly spoke about other suitable locations in San Francisco for motels.

(6) APPEAL NO. 12-023

<p>TONG SUN KIM dba "MIRALOMA LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>691 Portola Drive. Appealing a twenty (20) day suspension of a Tobacco Product Sales Establishment Permit, imposed on February 15, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-12-09. FOR HEARING TODAY.</p>
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WITHDRAWN BY APPELLANT.

(7) APPEAL NO. 12-024

<p>RAJAI ALKHALIDI dba "EEZY FREEZY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>25 West Portal Avenue. Appealing a twenty (20) day suspension of a Tobacco Product Sales Establishment Permit, imposed on February 15, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-12-11. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 3-2 (Commissioner Fung and Commissioner Hurtado dissented) to deny the appeal and uphold the department on the basis stated in the DPH Order.

SPEAKERS: Rajai Alkhalidi, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-021

<p>LAURIE HERRAIZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>395 Arkansas Street aka 1566 - 19th Street. Protesting the issuance on February 03, 2012, to Neill Sullivan, Permit to Alter a Building</p>
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PLANNING DEPT. APPROVAL**(complete internal remodeling;
rebuild bay window and add new
windows, expand existing deck).****APPLICATION****NO.****2012/01/26/2966.****FOR HEARING TODAY.**

ACTION: Upon motion by President Garcia, the Board voted 5-0 to continue this matter to May 9, 2012 to allow time for the permit holder to (1) confer with the neighbors on good neighbor policies; (2) confer with the Planning Department and Department of Building Inspection on Code requirements; and (3) propose modifications to the permit.

SPEAKERS: Laurie Herraiz, appellant; Susan Chastain, agent for appellant; Neill Sullivan, permit holder; Matt Baran, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Drew Hess spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 8:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 18, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

APR 13 2012

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the April 11, 2012 minutes.

04-13-12A11:21 RCVD

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1753 Beach Street. Letter from Beth Weesner, appellant, requesting rehearing of Appeal No. 12-004, Weesner vs. DBI, PDA, decided March 21, 2012. At that time, the Board voted 4-0 to grant the appeal and uphold the permit on condition that it be modified to eliminate from the scope of work the new roof deck, exterior stair to new roof deck, any resizing or replacement of skylights and new water heater; and with a finding that by removing these items from the scope of work the block and lot number listed on the permit is correct. Permit Holder: Sanford Specter. Project: remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight; BPA No. 2011/03/18/2376.

REGULAR MEETING, BOARD OF APPEALS, APRIL 18, 2012 - PAGE 2

(5) APPEAL NO. 11-126

MOSQUITO LLC dba "TUPELO", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1337 Grant Avenue. Appealing a Letter of Determination dated October 20, 2011, addressed to Entertainment Commission Director Jocelyn Kane, requesting that action be taken to remedy a conflict between a recently issued Place of Entertainment Permit at the subject property and prior Planning Commission actions related to this subject property. FOR HEARING TODAY.
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(6) APPEAL NO. 12-028

JOHNNY MARENCO dba "PANCHITA'S #3 RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3115 - 22 nd Street. Appealing the revocation on February 16, 2012, of a Permit to Operate. Reason(s) for revocation: violation of California Health and Safety Code § 113715. DIRECTOR'S CASE NO. FD-12-07. FOR HEARING TODAY.
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(7) APPEAL NO. 12-017

SARAH COX, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	105 Valencia Street. Protesting the issuance on Feb. 01, 2012, to Patrick Mora, Permit to Alter a Building (revise BPA No. 2011/10/17/6986 from Class II hood to Class I hood and duct work only; reference original BPA No. 2007/09/07/2133). APPLICATION NO. 2012/01/31/3255. FOR HEARING TODAY.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-025

JUNEL SOLBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1285 - 45 th Avenue. Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Electrical Permit (ground floor: cap off electrical at range). APPLICATION NO. 2012/02/14/783. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, APRIL 18, 2012 - PAGE 3

(8B) APPEAL NO. 12-026

JUNEL SOLBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1285 - 45 th Avenue. Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Plumbing Permit (cap off bar sink, shower, toilet, sink). APPLICATION NO. 2012/02/14/447. FOR HEARING TODAY.
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(9) APPEAL NO. 12-027

INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. FOR HEARING TODAY.
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(10) APPEAL NO. 12-029

JEREMY PAUL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	138 - 5 th Avenue. Appealing the denial on February 28, 2012, of a Permit to Alter a Building (correct record to show legal use and occupancy as single family dwelling). APPLICATION NO. 2012/02/28/5030. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 13, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG VIC	E PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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REGULAR MEETING, BOARD OF APPEALS, APRIL 18, 2012 - PAGE 5

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REGULAR MEETING, BOARD OF APPEALS, APRIL 18, 2012 - PAGE 6

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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April 18, 2012

APR 29 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, APRIL 18, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jocelyn Kane, Entertainment Commission (EC); Karen Yu, Senior Environmental Health Inspector, Department of Public Health (DPH); Evie Valle, Office of Labor Standards Enforcement (OLSE); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the April 11, 2012 minutes.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to adopt the April 11, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) REHEARING REQUEST:**

<p>Subject property at 1753 Beach Street. Letter from Beth Weesner, appellant, requesting rehearing of Appeal No. 12-004, <u>Weesner vs. DBI, PDA</u>, decided March 21, 2012. At that time, the Board voted 4-0 to grant the appeal and uphold the permit on condition that it be modified to eliminate from the scope of work the new roof deck, exterior stair to new roof deck, any resizing or replacement of skylights and new water heater; and with a finding that by removing these items from the scope of work the block and lot number listed on the permit is correct. Permit Holder: Sanford Specter. Project: remodel/reconfigure kitchen, bath and laundry; add bath; remove portion of wall at hallway; remove partition at kitchen to dining; reconfigure bedroom closets; new furnace and water heater; new gas fireplace; new exterior stair to new roof deck; new lighting throughout; new windows [in-kind at front; reconfigure at rear and sides]; replace/resize skylight; BPA No. 2011/03/18/2376.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Anthony Soldato, attorney for appellant; Pat Buscovich, agent for appellant; Brian Soriano, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Butch Haze spoke in support of the permit holder.

(5) APPEAL NO. 11-126

<p>MOSQUITO LLC dba "TUPELO", Appellant(s)</p>	<p>1337 Grant Avenue.</p>
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<p style="text-align: center;">vs.</p> <p style="text-align: center;">ZONING ADMINISTRATOR, Respondent</p>	<p>Appealing a Letter of Determination dated October 20, 2011, addressed to Entertainment Commission Director Jocelyn Kane, requesting that action be taken to remedy a conflict between a recently issued Place of Entertainment Permit at the subject property and prior Planning Commission actions related to this subject property.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 4-1 (Commissioner Hillis dissented) to deny the appeal and uphold the Letter of Determination on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator.

SPEAKERS: Teague Kernan, appellant; Mark Rennie, attorney for appellant; Marsha Garland, agent for appellant; Scott Sanchez, ZA; Jocelyn Kane, EC.

PUBLIC COMMENT: Brian Keeney, Erik Corkery, David Stubbs, Keith Ryan, Conor Nugent, Daria Johnson, Gina Baratta, Tim Donnelly, Keith Sweeny, Kelly Edwards, Jin Rickard, Laura Hahn, Ian Stewart, Terrance Alan, Gabrielle Davidauskis, Guy Carson, Samantha Davis, Michael McDonald, Robert Kowal, Wayne Derman and Jeremy Paul spoke in support of the appellant. San Francisco Police Lieutenant Steven Fordham and Officer Steve Matthias spoke in support of the ZA.

(6) APPEAL NO. 12-028

<p style="text-align: center;">JOHNNY MARENCO dba "PANCHITA'S #3 RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>3115 – 22nd Street.</p> <p>Appealing the revocation on February 16, 2012, of a Permit to Operate. Reason(s) for revocation: violation of California Health and Safety Code § 113715.</p> <p>DIRECTOR'S CASE NO. FD-12-07.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Hwang, the Board voted 5-0 to deny the appeal and uphold the revocation for the reasons stated in the DPH Order.

SPEAKERS: Johnny Marenco, appellant; Karen Yu, DPH; Evie Valle, OLSE.

PUBLIC COMMENT: Maria Perez and Tiffany Altamurano spoke in support of the department.

(7) APPEAL NO. 12-017

<p>SARAH COX, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>105 Valencia Street.</p> <p>Protesting the issuance on Feb. 01, 2012, to Patrick Mora, Permit to Alter a Building (revise BPA No. 2011/10/17/6986 from Class II hood to Class I hood and duct work only; reference original BPA No. 2007/09/07/2133).</p> <p>APPLICATION NO. 2012/01/31/3255.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 5-0 to continue the matter to April 25, 2012 to allow time for the permit to be cancelled the appeal to be administratively dismissed.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-025

<p>JUNEL SOLBACH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1285 - 45th Avenue.</p> <p>Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Electrical Permit (ground floor: cap off electrical at range).</p> <p>APPLICATION NO. 2012/02/14/783.</p> <p>FOR HEARING TODAY.</p>
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(8B) APPEAL NO. 12-026

<p>JUNEL SOLBACH, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1285 - 45th Avenue.</p> <p>Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Plumbing Permit (cap off bar sink, shower, toilet, sink).</p> <p>APPLICATION NO. 2012/02/14/447.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Garcia, the Board voted 5-0 to continue the appeals to June 13, 2012 to allow time for DBI to inspect the unit for life-safety issues.

SPEAKERS: Eunice Chang, attorney for appellant; Steven MacDonald, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) APPEAL NO. 12-027

<p>INGE DHILLON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>21 Rosemont Place.</p> <p>Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with 1/2 bath).</p> <p>APPLICATION NO. 2012/02/13/4029.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to June 13, 2012 to allow time for DBI to conduct life-safety and permit history research.

SPEAKERS: Jim Faye, agent for appellant; Inge Dhillon, appellant; Jonathan Withrington, permit holder; Linda Beattie, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-029

JEREMY PAUL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	138 - 5th Avenue. Appealing the denial on February 28, 2012, of a Permit to Alter a Building (correct record to show legal use and occupancy as single family dwelling). APPLICATION NO. 2012/02/28/5030. FOR HEARING TODAY.
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ACTION: Upon motion by President Garcia, the Board voted 5-0 to grant the appeal, overturn the denial, and issue the permit based upon the evidence submitted by the appellant and DBI's concession that the property was originally a single family dwelling.

SPEAKERS: Jeremy Paul, appellant; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 25, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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04-20-12P12:50 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the April 18, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Refusal to accept Color Scheme Permit Application by SFMTA Division of Taxis & Accessible Services. Letter from Ray Alexander, attorney for Saam Aryan, requestor, asking that the Board invoke subject matter jurisdiction over the afore-mentioned departmental action dated Feb. 28, 2012.

REGULAR MEETING, BOARD OF APPEALS, APRIL 25, 2012 - PAGE 2

(5) APPEAL NO. 12-039

GUO SHENG LEI dba "LOUIE'S CALIFORNIA CHINESE CUISINE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	646 Washington Street. Appealing the revocation on March 14, 2012, of Permit to Operate. DIRECTOR'S CASE NO. FD-12-14. FOR HEARING TODAY.
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(6) APPEAL NO. 12-030

A.F. & DOLAND DAHLSTROM, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	644 Morse Street. Protesting the issuance on Jan. 18, 2011, to NextG Networks of California Inc., Wireless Box Permit. PERMIT NO. 10WR-0145. JURISDICTION GRANTED FEB. 29, 2012. FOR HEARING TODAY.
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(7) APPEAL NO. V11-133

STEPHEN K. LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	30 Edith Street. Protesting the granting on Nov. 02, 2011, to William Bernard and Associates, Rear Yard / Exposure / Non-Complying Structure Variances (construct rear, side, and third floor additions to existing two-story, one-family dwelling, and extend first and second stories back toward the rear of lot). VARIANCE CASE NO. 2010.0084DDDV. FOR HEARING TODAY.
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Date posted: **April 20, 2012**

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CHRIS HWANG	VICE PRESIDENT
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REGULAR MEETING, BOARD OF APPEALS, APRIL 25, 2012 - PAGE 5

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, APRIL 25, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA DTAS); John Kwong, Department of Public Works, Bureau of Street Use & Mapping (DPW BSM); Terrence Hong, Senior Environmental Health Inspector, Department of Public Health (DPH); Richard Lee, Director of Environmental Health Regulatory Programs, DPH; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Frank Fung.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Jacquie Greàux spoke about construction at 340 Spruce Street allegedly beyond the scope of a permit and prior Board of Appeals action regarding this property.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Vice President Hwang and Commissioner Hurtado both announced they will be absent on May 9, 2012. President Garcia announced that he will be resigning from the Board and the next meeting will be his last.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 18, 2012 minutes.

ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the April 18, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Refusal to accept Color Scheme Permit Application by SFMTA Division of Taxis & Accessible Services. Letter from Ray Alexander, attorney for Saam Aryan, requestor, asking that the Board invoke subject matter jurisdiction over the afore-mentioned departmental action dated Feb. 28, 2012.

ACTION: Upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Hillis dissented and Commissioner Fung absent) to deny the request based on a finding that MTA's action did not constitute a permit denial under San Francisco Charter § 4.106.

SPEAKERS: Ray Alexander, attorney for requestor; Jarvis Murray, SFMTA DTAS.

PUBLIC COMMENT: Heidi Machen spoke in support of the requestor.

(5) APPEAL NO. 12-039

<p>GUO SHENG LEI dba "LOUIE'S CALIFORNIA CHINESE CUISINE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>646 Washington Street. Appealing the revocation on March 14, 2012, of Permit to Operate. DIRECTOR'S CASE NO. FD-12-14. FOR HEARING TODAY.</p>
---	---

ACTION: Upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to uphold the revocation for the reasons stated in the DPH Order.

SPEAKERS: Guo Sheng Lei, appellant (through interpreter, Richard Ow); Terrence Hong, DPH; Richard Lee, DPH.

PUBLIC COMMENT: Richard Ow spoke in support of the appellant.

(6) APPEAL NO. 12-030

<p>A.F. & DOLAND DAHLSTROM, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>644 Morse Street. Protesting the issuance on Jan. 18, 2011, to NextG Networks of California Inc., Wireless Box Permit. PERMIT NO. 10WR-0145. JURISDICTION GRANTED FEB. 29, 2012. FOR HEARING TODAY.</p>
--	---

ACTION: Upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Hillis dissented and Commissioner Fung absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: A.F., appellant; Doland Dahlstrom, appellant; Natasha Ernst, attorney for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(7) APPEAL NO. V11-133

STEPHEN K. LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	30 Edith Street. Protesting the granting on Nov. 02, 2011, to William Bernard and Associates, Rear Yard / Exposure / Non-Complying Structure Variances (construct rear, side, and third floor additions to existing two-story, one-family dwelling, and extend first and second stories back toward the rear of lot). VARIANCE CASE NO. 2010.0084DDDV. FOR HEARING TODAY.
--	--

WITHDRAWN BY APPELLANT.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 7:15 p.m.

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Today

Pacheco, V... 11:57 ...
PUBLIC NOTICE**PUBLIC NOTICE**

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, April 27, 2012 11:57 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];
Carrasco, Francisco [francisco.carrasco@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for May 02, 2012, and has **CANCELLED** the meeting of May 09, 2012. The next regular meeting is scheduled for **WEDNESDAY, MAY 16, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **April 27, 2012**

04-27-12P12:44 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 16, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 25, 2012 minutes.

(4) **APPEAL NO. 12-042**

JEFF COOPER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	156 – 27 th Avenue. Protesting the issuance on March 15, 2012, to NextG Networks of California Inc., Wireless Box Permit. PERMIT NO. 11WR-0002. FOR HEARING TODAY.
--	--

REGULAR MEETING, BOARD OF APPEALS, MAY 16, 2012 - PAGE 2

(5) APPEAL NO. 12-021

LAURIE HERRAIZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	395 Arkansas Street aka 1566 - 19 th Street. Protesting the issuance on February 03, 2012, to Neill Sullivan, Permit to Alter a Building (complete internal remodeling; rebuild bay window and add new windows, expand existing deck). APPLICATION NO. 2012/01/26/2966. PUBLIC HEARING HELD ON APRIL 11, 2012; FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI and Planning staff to re-review the approved plans, and allow time for permit holder to submit revised plans; additional briefing is allowed.
--	---

(6) APPEAL NO. 12-044

MARIA CARTAGENA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	270 Montana Street. Appealing the imposition of penalty on March 26, 2012, for construction work done without a permit. APPLICATION NO. 2012/03/26/6814. FOR HEARING TODAY.
--	--

(7) APPEAL NO. 12-037

DAVID CINCOTTA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1858 Green Street. Protesting the issuance on March 15, 2012, to Ben Lee, Permit to Alter a Building (obtain final inspection for work approved under BPA No. 8804932; to renew expired permit for final inspection; all work completed). APPLICATION NO. 2012/03/15/6111. FOR HEARING TODAY.
---	--

REGULAR MEETING, BOARD OF APPEALS, MAY 16, 2012 - PAGE 3

(8) APPEAL NO. V12-040

MICHAEL HSIEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2808 Laguna Street. Appealing the conditions placed on a Rear Yard Variance (construct two spiral staircases and roof deck at uppermost roof of existing two-story over basement, single-family dwelling). VARIANCE CASE NO. 2011.0943V. FOR HEARING TODAY.
--	--

(9) APPEAL NO. 12-041

SUCCESS DEVELOPMENT INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	651-655 Geary Street. Appealing a Letter of Determination dated March 09, 2012, addressed to Anne Epperly at Luce Forward LLP, regarding the validity of a Conditional Use Authorization to demolish the existing building and construct a 13-story mixed use building at the subject property. FOR HEARING TODAY.
---	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 11, 2012**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
CHRIS HWANG	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

REGULAR MEETING, BOARD OF APPEALS, MAY 16, 2012 - PAGE 5

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854;

REGULAR MEETING, BOARD OF APPEALS, MAY 16, 2012 - PAGE 6

or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

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May 16, 2012

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SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, MAY 16, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Michael Garcia, Vice President Chris Hwang, Commissioner Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy city Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Department of Public Works Bureau of Street-Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Rodrigo Santos commended the Board members for their hard work and dedication on behalf of the City, and their work to depoliticize the Board over recent years. He thanked President Garcia for his many years of volunteer service to the City, both on the Board of Appeals and the Ethics Commission, and noted President Garcia's preparedness for Board meetings, his ability to use his professional arbitration skills to help bring parties together, and President Garcia's fine character.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Garcia remarked on the occasion of his departure from the Board. He noted that the Board has a great deal of discretion in how it decides cases and that he has enjoyed the use of this discretion and hopes to have used it properly to assist individuals who have come up against rules and regulations that are unreasonable. He noted his pleasure at being able to help solve problems and that he has paid particular attention to ensuring that those who appear before the Board without legal representation are given a fair hearing. President Garcia commented on the diversity of issues that come before the Board and the fine service provided by the City employees who appear before the Board representing different City departments. He also noted his appreciation for the other Board members with whom he has served, Board staff and Deputy City Attorneys who have assisted the Board. President Garcia ended his comments by praising the wisdom and service of Commissioner Fung, the Board's most tenured member.

Commissioner Fung thanked President Garcia for his kind words and went on to commend him for his mastery of the issues facing the Board, noting that President Garcia's handling of Board matters and care for the parties that appear before the Board epitomizes what he wants to see at the Board. He wished President Garcia luck in his future endeavors and hoped he will be able to bring his reasonableness and sensibility to future public office. Director Goldstein expressed her appreciation for President Garcia's support of the work of Board staff, the professionalism and degree of intelligence he has brought to his role as a Board member and thanked him for his service to the City.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the April 25, 2012 minutes.
--

ACTION: Upon motion by President Garcia, the Board voted 5-0 to adopt the April 25, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-042

JEFF COOPER, Appellant(s) vs.	156 – 27th Avenue.
--	--------------------------------------

**DEPT. OF PUBLIC WORKS
BUREAU OF STREET-USE &
MAPPING,**

Respondent

**Protesting the issuance on
March 15, 2012, to NextG
Networks of California Inc.,
Wireless Box Permit.**

**PERMIT NO. 11WR-0002.
FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Hillis, the Board voted 4-1 (President Garcia dissented) to grant the appeal and overturn the permit with adoption of findings at a later time.

SPEAKERS: Jeff Cooper, appellant; Natasha Ernst, attorney for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Gay Outlaw, Charles Chongo and Ravi Mohaw spoke in support of the appellant.

(5) APPEAL NO. 12-021

**LAURIE HERRAIZ, Appellant(s)
vs.**

**DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL**

**395 Arkansas Street aka 1566 - 19th
Street.**

**Protesting the issuance on
February 03, 2012, to Neill
Sullivan, Permit to Alter a Building
(complete internal remodeling;
rebuild bay window and add new
windows, expand existing deck).**

**APPLICATION NO.
2012/01/26/2966.**

**PUBLIC HEARING HELD ON
APRIL 11, 2012; FOR FURTHER
CONSIDERATION TODAY. Note:
Matter continued to allow time for
DBI and Planning staff to re-
review the approved plans, and**

<p>allow time for permit holder to submit revised plans; additional briefing is allowed.</p>

ACTION: Upon motion by Vice President Hwang, the Board voted 5-0 to grant the appeal and condition the permit on the revised plans dated May 16, 2012 submitted at the hearing, and the list of modifications submitted by the appellant dated May 16, 2012, on the basis that this reflects the agreement of the parties.

SPEAKERS: Matthew Baran, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Drew Hess asked about the process for filing a complaint if the permit holder exceeds the scope of the permit.

(6) APPEAL NO. 12-044

<p>MARIA CARTAGENA, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>270 Montana Street.</p> <p>Appealing the imposition of penalty on March 26, 2012, for construction work done without a permit.</p> <p>APPLICATION NO. 2012/03/26/6814.</p> <p>FOR HEARING TODAY.</p>
---	--

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Maria Cartagena, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-037

<p>DAVID CINCOTTA, Appellant(s)</p>	<p>1858 Green Street.</p>
--	----------------------------------

<p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>Protesting the issuance on March 15, 2012, to Ben Lee, Permit to Alter a Building (obtain final inspection for work approved under BPA No. 8804932; to renew expired permit for final inspection; all work completed).</p> <p>APPLICATION NO. 2012/03/15/6111.</p> <p>FOR HEARING TODAY.</p>
---	---

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that DBI will undertake all necessary inspections.

SPEAKERS: David Cincotta, appellant; Sarah Rafanelli, agent for appellant; Stephen Williams, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. V12-040

<p>MICHAEL HSIEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>2808 Laguna Street.</p> <p>Appealing the conditions placed on a Rear Yard Variance (construct two spiral staircases and roof deck at uppermost roof of existing two-story over basement, single-family dwelling).</p> <p>VARIANCE CASE NO. 2011.0943V.</p> <p>FOR HEARING TODAY.</p>
---	--

WITHDRAWN BY APPELLANT.

(9) APPEAL NO. 12-041

<p>SUCCESS DEVELOPMENT INC., Appellant(s) vs.</p>	<p>651-655 Geary Street.</p> <p>Appealing a Letter of Determination dated March 09, 2012, addressed to Anne Epperly</p>
--	---

**ZONING ADMINISTRATOR,
Respondent**

at Luce Forward LLP, regarding the validity of a Conditional Use Authorization to demolish the existing building and construct a 13-story mixed use building at the subject property.

FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5-0 to reschedule the matter to July 25, 2012 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 7:45 p.m.

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Today

Pacheco, V... 3:26 PM
PUBLIC NOTICE**PUBLIC NOTICE**

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, May 18, 2012 3:26 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];
Cannon, Frederick [frederick.cannon@sfgov.org];

PUBLIC NOTICE

112
called

The Board of Appeals has **CANCELLED** the meeting of May 23, 2012. The next regular meeting is scheduled for **WEDNESDAY, MAY 30, 2012**, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **May 18, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

05-18-12P03:51 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 30, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **ELECTION OF OFFICERS:**

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(3) **COMMISSIONER COMMENTS & QUESTIONS:**

MAY 25 2012

(4) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the May 16, 2012 minutes.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUESTS:**

Multiple Locations. Letter from Peter Ryan, attorney for North Waterfront Restaurant Group, requestor, asking that the Board take jurisdiction over Mobile Food Facility Permit Nos. 11MFF-0021 & 12MFF-0035; permits were issued by the Dept. of Public Works Bureau of Street-Use & Mapping on Feb. 21, 2012, and March 08, 2012, respectively; the appeal periods ended on March 07, 2012 and March 23, 2012, respectively. Permit Holder: Off the Grid Services LLC. Project, both permits: sale of everything except for hot dogs.

(5b) **REHEARING REQUEST:**

Subject property at 646 Washington Street. Letter from Guo Sheng Lei dba "Louie's California Chinese Cuisine", appellant, requesting rehearing of Appeal No. 12-039, decided April 25, 2012. At that time, the Board voted 4-0 to uphold the revocation of the subject Permit to Operate on the basis stated in the DPH Order.

REGULAR MEETING, BOARD OF APPEALS, MAY 30, 2012 - PAGE 2

(6) APPEAL NO. 12-048

FRANCO LUCCHESI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	599 Athens Street. Appealing the denial on April 10, 2012, of Permit to Alter a Building (correct the record to show two units residential and one commercial as legal authorized use; no new work proposed). APPLICATION NO. 2012/04/10/8048. FOR HEARING TODAY.
--	--

(7) APPEAL NO. 12-046

GIGI GOZZER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	537 Natoma Street. Protesting the issuance on March 21, 2012, to AEC EAT Limited, Permit to Erect a Building (4-story, 13-unit residential building with 5,425sf of ground floor area). APPLICATION NO. 2005/09/01/1813S. FOR HEARING TODAY.
---	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 25, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
VACANCY	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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REGULAR MEETING, BOARD OF APPEALS, MAY 30, 2012 - PAGE 4

public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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May 30, 2012

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SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, MAY 30, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Clinton Choy, Department of Public Works Bureau of Street-Use and Mapping (DPW BSM); Terrence Hong, Environmental Health Regulatory Programs, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0 to elevate Vice President Hwang to the office of President. Upon further motion by President Hwang, the Board voted 4-0 to elevate Commissioner Fung to the office of Vice President.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 16, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the May 16, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUESTS:**

Multiple Locations. Letter from Peter Ryan, attorney for North Waterfront Restaurant Group, requestor, asking that the Board take jurisdiction over Mobile Food Facility Permit Nos. 11MFF-0021 & 12MFF-0035; permits were issued by the Dept. of Public Works Bureau of Street-Use & Mapping on Feb. 21, 2012, and March 08, 2012, respectively; the appeal periods ended on March 07, 2012 and March 23, 2012, respectively. Permit Holder: Off the Grid Services LLC. Project, both permits: sale of everything except for hot dogs.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to recuse Commissioner Hillis because he is the Executive Director of the nonprofit organization where the permit holder leases office space. Upon further motion by Commissioner Hurtado, the Board voted 3-1 (Commissioner Hillis recused) to grant both jurisdiction requests based on the City's failure to issue the notice required under Public Works Code Section 184.88 to Grumpy's American Pub, a business located within 300 feet of the proposed food truck location.

SPEAKERS: Peter Ryan, attorney for requestor; Brett Gladstone, attorney for permit holder; Matt Cohen, agent for permit holder; Clinton Choy, DPW BSM.

PUBLIC COMMENT: Chris O'Dea spoke in support of the permit holder.

(5b) REHEARING REQUEST:

Subject property at 646 Washington Street. Letter from Guo Sheng Lei dba "Louie's California Chinese Cuisine", appellant, requesting rehearing of Appeal No. 12-039, decided April 25, 2012. At that time, the Board voted 4-0 to uphold the revocation of the subject Permit to Operate on the basis stated in the DPH Order.

ACTION: Upon motion by Vice President Fung, the Board voted 2-2 (Commissioners Hillis and Hurtado dissented) to grant the request based on the condition that a new DPH inspection take place prior to the rehearing. Lacking the three votes needed to pass, the motion failed. Upon further motion by Vice President Fung, the Board voted 2-2 (Commissioners Hillis and Hurtado dissented) to continue the matter until June 20, 2012 to allow time for DPH to inspect the restaurant. Lacking the three votes needed to pass, the motion failed. With no other motion made, the rehearing request was denied by operation of law.

SPEAKERS: Joseph Breall, attorney for requestor; Guo Sheng Lei, requestor (through an interpreter); Terrence Hong, DPH.

PUBLIC COMMENT: Pius Lee, Lotus Yee Fong, Ann Yuey, Ling-Chi Wang, Richard Ow, Wilma Pang, Lawrence Liu and Stefano Casolatto spoke in support of the requestor.

(6) APPEAL NO. 12-048

<p>FRANCO LUCCHESI, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION,</p> <p style="text-align: center;">Respondent</p> <p>PLANNING DEPT. DISAPPROVAL</p>	<p>599 Athens Street.</p> <p>Appealing the denial on April 10, 2012, of Permit to Alter a Building (correct the record to show two units residential and one commercial as legal authorized use; no new work proposed).</p> <p>APPLICATION NO.</p> <p>2012/04/10/8048.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to grant the appeal, overturn the department and issue the permit on the basis that the 1952 building permit shows the legalization of the second residential unit.

SPEAKERS: Jeremy Paul, agent for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-046

GIGI GOZZER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	537 Natoma Street. Protesting the issuance on March 21, 2012, to AEC EAT Limited, Permit to Erect a Building (4-story, 13-unit residential building with 5,425sf of ground floor area). APPLICATION NO. 2005/09/01/1813S. FOR HEARING TODAY.
---	---

WITHDRAWN PRIOR TO HEARING.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:45 p.m.

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, June 01, 2012 11:57 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Day, Vivian [vivian.day@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Gessner, Francesca [francesca.gessner@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

P U B L I C N O T I C E

6/6/12
Cancelled

The Board of Appeals has **NOT SCHEDULED** a meeting for June 06, 2012. The next regular meeting is scheduled for **WEDNESDAY, JUNE 13, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 01, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 13, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the May 30, 2012 minutes.

06-03-12A10:46 PCVD

ITEMS (4A) & (4B) SHALL BE HEARD TOGETHER:

(4A) APPEAL NO. 12-025

JUNEL SOLBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1285 - 45 th Avenue. Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Electrical Permit (ground floor: cap off electrical at range). APPLICATION NO. 2012/02/14/783. PUBLIC HEARING HELD ON APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 13, 2012 - PAGE 2

(4B) APPEAL NO. 12-026

JUNEL SOLBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1285 - 45 th Avenue. Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Plumbing Permit (cap off bar sink, shower, toilet, sink). APPLICATION NO. 2012/02/14/447. SEE NOTE IN ITEM 5A.
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(5) APPEAL NO. 12-027

INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. PUBLIC HEARING HELD ON APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection and finish its permit research.
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(6) APPEAL NO. 12-050

TONY BADER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1382-1384-1386 McAllister Street. Appealing the imposition of penalty on April 10, 2012, for construction work done without a permit. APPLICATION NO. 2012/04/10/8023. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 13, 2012 - PAGE 3

(7) APPEAL NO. 12-051

DAVID KWOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	316 Moraga Street. Protesting the issuance on April 05, 2012, to Jason Bermak, Permit to Alter a Building (removal of guiderail; trim back as built condition to original architectural as built; compliance with NOV No. 2012948 including railing and firewall). APPLICATION NO. 2012/03/26/6853. FOR HEARING TODAY.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-052

GEORGIA DE ANDA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	42 Miramar Avenue. Protesting the issuance on April 09, 2012, to Yun Ling Lee, Permit to Demolish a Building (one-story, single-family dwelling with 1,000sf of ground floor area). APPLICATION NO. 2005/05/16/2509. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-053

GEORGIA DE ANDA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	42 Miramar Avenue. Protesting the issuance on April 09, 2012, to Yun Ling Lee, Permit to Erect a Building (three-story, single-family dwelling with 1,500sf of ground floor area). APPLICATION NO. 2005/05/16/2506S. FOR HEARING TODAY.
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(9) APPEAL NO. 12-055

MARY MAXON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	99 Marietta Drive. Protesting the issuance on April 13, 2012, to Lisa Burrell, Permit to Alter a Building (add two cantilevered decks to rear of house). APPLICATION NO. 2012/04/11/8094. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 13, 2012 - PAGE 4

(10) APPEAL NO. 12-063

NATHANIEL McFADDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3139-3141 Gough Street. Protesting the issuance on May 08, 2012, to Shadi Aboukhater, Permit to Alter a Building (vertical addition of new full third floor and partial fourth floor; rear addition beside existing sunroom). APPLICATION NO. 2010/12/02/6003S. FOR HEARING TODAY.
--	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 08, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
VACANCY	-----

PROCEDURE AT HEARINGS

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REGULAR MEETING, BOARD OF APPEALS, JUNE 13, 2012 - PAGE 5

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REGULAR MEETING, BOARD OF APPEALS, JUNE 13, 2012 - PAGE 7

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JUNE 13, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Tom Owen, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Dan Sider, Assistant Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 30, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to adopt the May 30, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (4A) & (4B) SHALL BE HEARD TOGETHER:

(4A) APPEAL NO. 12-025

<p>JUNEL SOLBACH, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1285 - 45th Avenue.</p> <p>Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Electrical Permit (ground floor: cap off electrical at range).</p> <p>APPLICATION NO. 2012/02/14/783.</p> <p>PUBLIC HEARING HELD ON APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection.</p>
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(4B) APPEAL NO. 12-026

<p>JUNEL SOLBACH, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1285 - 45th Avenue.</p> <p>Protesting the issuance on February 14, 2012, to Peter Fealy Living Trust, Plumbing Permit (cap off bar sink, shower, toilet, sink).</p> <p>APPLICATION NO. 2012/02/14/447.</p> <p>SEE NOTE IN ITEM 5A.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and issue the permit on the condition that the

construction be completed within three month of when the appellant vacates the unit and on the basis the permit will allow the permit holder to abate the pending violations.

SPEAKERS: Joseph Duffy, DBI; Eunice Chang, attorney for appellant; Stephen McDonald, attorney for permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-027

INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. PUBLIC HEARING HELD ON APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection and finish its permit research.
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to reschedule the matter to August 1, 2012 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-050

<p>TONY BADER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1382-1384-1386 McAllister Street. Appealing the imposition of penalty on April 10, 2012, for construction work done without a permit. APPLICATION NO. 2012/04/10/8023. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and reduce the penalty to two-times the permit fee based on the agreement of the parties.

SPEAKERS: Joseph Duffy, DBI; Tony Bader, appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-051

<p>DAVID KWOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>316 Moraga Street. Protesting the issuance on April 05, 2012, to Jason Bermak, Permit to Alter a Building (removal of guiderail; trim back as built condition to original architectural as built; compliance with NOV No.</p>
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	2012948 including railing and firewall). APPLICATION NO. 2012/03/26/6853. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to grant the appeal and issue the permit with the following conditions: (1) the depth of the structure be no more than 2' 6" from the rear building wall; (2) any railing be open to the maximum extent possible under the applicable Codes; (3) either there be no railing or that a privacy wall of either lattice or solid material be constructed at the permit holder's discretion; and (4) the phrase "Not for Occupancy" be indicated on the approved plans.

SPEAKERS: David Kwok, appellant; Ellen Kwok, agent for appellant; Jason Bermak, permit holder; Dan Sider, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-052

GEORGIA DE ANDA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	42 Miramar Avenue. Protesting the issuance on April 09, 2012, to Yun Ling Lee, Permit to Demolish a Building (one-story, single-family dwelling with 1,000sf of ground floor area). APPLICATION NO. 2005/05/16/2509. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-053

GEORGIA DE ANDA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	42 Miramar Avenue. Protesting the issuance on April 09, 2012, to Yun Ling Lee, Permit to Erect a Building (three-story, single-family dwelling with 1,500sf of ground floor area). APPLICATION NO. 2005/05/16/2506S.
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FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hillis, the Board voted 3-1 (President Hwang dissented) to deny the appeals on the basis that the project is Code compliant.

SPEAKERS: Georgia De Anda, appellant; Kelton Finney, agent for permit holder; Dan Sider, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Ken Duncan, Stewart Hata, Ching Lu Stone, Jason Stone, Josie Lee and Suzanne Dumont spoke in support of the appellant.

(9) APPEAL NO. 12-055

<p>MARY MAXON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>99 Marietta Drive.</p> <p>Protesting the issuance on April 13, 2012, to Lisa Burrell, Permit to Alter a Building (add two cantilevered decks to rear of house).</p> <p>APPLICATION NO. 2012/04/11/8094.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to grant the appeal and issue the permit on the condition that (1) the corner of the deck adjacent to the appellant's property is chamfered; (2) a wing wall of up to 6' in height is added to the corner of the building adjacent to the appellant's property, with the bottom of the wall aligned with the appellant's window sill; and (3) the deck on the opposite side of the property from the appellant is expanded to create a symmetrical look; with all conditions to be as reflected on the plans submitted at the hearing and the plans reflected in Exhibit C to the permit holder's brief. This motion is based on the agreement of the parties.

SPEAKERS: Wayne Canterbury, attorney for appellant; Mary Maxon, appellant; Peter Zepponi, agent for permit holder; Dan Sider, ZA.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-063

	<p>3139-3141 Gough Street.</p>
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NATHANIEL McFADDEN, Appellant(s)	Protesting the issuance on May 08, 2012, to Shadi Aboukhater, Permit to Alter a Building (vertical addition of new full third floor and partial fourth floor; rear addition beside existing sunroom).
vs.	
DEPT. OF BUILDING INSPECTION, Respondent	
PLANNING DEPT. APPROVAL	APPLICATION NO. 2010/12/02/6003S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hillis, the Board voted 4-0 to grant the appeal and issue the permit on the condition that (1) the windows on the 2nd and 3rd floor in the lightwell adjacent to the appellant be frosted; and (2) the length of the deck railing on the 4th floor facing the appellant's lightwell be constructed with a 42" solid railing and with lattice at least 6' high; on the basis that the Board seeks to provide additional privacy to the appellant.

SPEAKERS: Janet Myers, agent for appellant; Nathaniel McFadden, appellant; Shadi Aboukhater, permit holder; Geoff Gibson, agent for permit holder; Dan Sider, ZA.

PUBLIC COMMENT: Brian Davis spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 10:10 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 20, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

JUN 15 2012

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the June 13, 2012 minutes.

(4) **APPEAL NO. 12-057**

JESSE HERZOG, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

900 Folsom Street.

Appealing the denial on May 04, 2012,
of Permit to Remove and Replace Eight (8)
Trees.

ORDER NO. 180,189.
FOR REHEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, JUNE 20, 2012 - PAGE 2

(5) APPEAL NO. 11-125

MAUD HALLIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	449A Greenwich Street. Protesting the issuance on October 27, 2011, to Kelly Kaplan, Permit to Alter a Building (renovation of rear yard cottage; scope includes conversion of crawl space to habitable space; new roof deck; lower cottage, two new bedrooms and two and a half baths and family room; upper, master bedroom, bath, kitchen and remodel; new half bath). APPLICATION NO. 2011/10/18/7007. FOR HEARING TODAY.
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(6) APPEAL NO. 12-056

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2853-2857 Broderick Street. Protesting the issuance on April 17, 2012, to Inger Conrad, Permit to Alter a Building (raise building 36"; build new garage and rooms down for future expansion; new curb cut). APPLICATION NO. 2011/03/25/2839S. FOR HEARING TODAY.
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(7) APPEAL NO. 12-059

OUTER MISSION MERCHANTS & RESIDENTS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	5258 Mission Street. Protesting the issuance on April 26, 2012, to Eugene Popok, Permit to Alter a Building (remodel existing ground floor commercial into an MCD – medical cannabis dispensary; new toilet, new lighting, new plumbing, new mechanical heat and ventilation; new dispensary counter and display; new waiting area, entry door; ADA compliance for entire space). APPLICATION NO. 2010/05/27/3337S. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JUNE 20, 2012 - PAGE 3

(8) APPEAL NO. 12-060

SCOTT HOOPES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: GREGOR FREUND	2848 Union Street. Protesting a Release of Suspension Request dated April 27, 2012, addressed to DBI Director Vivian Day, requesting that the suspension against BPA No. 2011/07/15/0355 be released because the subject rear exterior stairs are required for egress and are therefore exempt from Planning Code § 311 notification. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 15, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
VACANCY	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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June 20, 2012

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JUNE 20, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Anthony Grieco, Acting Chief Building Inspector, Department of Building Inspection (DBI); Dan Sider, Assistant Zoning Administrator, Planning Department (PD); Carla Short, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang apologized for the late start of the meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 13, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the May 30, 2012 minutes as revised.

SPEAKERS: Vice President Fung requested that the votes be revised to properly reflect Commissioner Hurtado's absence.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-057

JESSE HERZOG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	900 Folsom Street. Appealing the denial on May 04, 2012, of Permit to Remove and Replace Eight (8) Trees. ORDER NO. 180,189. FOR REHEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 4-0 to grant the appeal, overturn the Department, and issue the permit on the condition that the eight existing trees be replaced by eleven trees that have the same trunk diameter and canopy as the existing trees, as determined by DPW BUF.

SPEAKERS: Jesse Herzog, appellant; Eric Tao, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(5) APPEAL NO. 11-125

MAUD HALLIN, Appellant(s) vs.	449A Greenwich Street.
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**DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL**

Protesting the issuance on October 27, 2011, to Kelly Kaplan, Permit to Alter a Building (renovation of rear yard cottage; scope includes conversion of crawl space to habitable space; new roof deck; lower cottage, two new bedrooms and two and a half baths and family room; upper, master bedroom, bath, kitchen and remodel; new half bath).

**APPLICATION NO.
2011/10/18/7007.
FOR HEARING TODAY.**

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to grant the appeal and issue the permit on the condition that the permit be revised in conformance with the settlement agreement submitted to the Board on June 14, 2012 and the revised plans dated March 21, 2012.

SPEAKERS: Maud Hallin, appellant; Steve Atkinson, attorney for permit holder; Dan Sider, PD; Anthony Grieco, DBI.

PUBLIC COMMENT: Leo Isotalo, Patricia Vaughey spoke in support of the settlement.

(6) APPEAL NO. 12-056

PAT BUSCOVICH, Appellant(s)

vs.

**DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL**

2853-2857 Broderick Street.

Protesting the issuance on April 17, 2012, to Inger Conrad, Permit to Alter a Building (raise building 36"; build new garage and rooms down for future expansion; new curb cut).

**APPLICATION NO.
2011/03/25/2839S.
FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that the scope of work complies with the Planning and Building Codes.

SPEAKERS: Pat Buscovich, appellant; Stephen Antonaros, agent for permit holder; John McInerney, attorney for permit holder; Dan Sider, PD; Anthony Grieco, DBI.

PUBLIC COMMENT: Patricia Vaughey spoke in support of the appellant.

(7) APPEAL NO. 12-059

<p>OUTER MISSION MERCHANTS & RESIDENTS ASSOCIATION, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>5258 Mission Street.</p> <p>Protesting the issuance on April 26, 2012, to Eugene Popok, Permit to Alter a Building (remodel existing ground floor commercial into an MCD – medical cannabis dispensary; new toilet, new lighting, new plumbing, new mechanical heat and ventilation; new dispensary counter and display; new waiting area, entry door; ADA compliance for entire space).</p> <p>APPLICATION NO. 2010/05/27/3337S. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-1 (Vice President Fung dissented) to deny the appeal the uphold the permit on the basis that there is nothing in the Codes to warrant overturning it and that the facts of this case have been distinguished from the prior medical cannabis dispensary appeal on Taraval Street.

SPEAKERS: Stephen Currier, agent for appellant; Eugene Popok, permit holder; Dorji Roberts, attorney for permit holder; Joram Altman, agent for permit holder; David Abernathy, agent for permit holder; Dan Sider, PD; Anthony Grieco, DBI.

PUBLIC COMMENT: Violet Cheng, Mei Wong, Bao Yan Yu, Li Qin Zhou, Choi Fong Yu, Xiao Yan Yu, Mary C. Harris, David Hooper, Lois Chan, Zu Yi Li, Mrs. Cheung, Stephen Chow, Ahsha Safai, Monika Yunger and Richard Ow spoke in support of the appellant.

Dan Rush, Mira Ingram, Josie Porter, Lauren Vasquez, Ellouise Patton, Susan Tibbon, David Goldman, Michael Koehn, Rocio Brown, Kevin Brown, Paul Hansbury, Brian Webster, Matthew Wityre and Stephanie Tucker spoke in support of the permit holder.

(8) APPEAL NO. 12-060

SCOTT HOOPES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: GREGOR FREUND	2848 Union Street. Protesting a Release of Suspension Request dated April 27, 2012, addressed to DBI Director Vivian Day, requesting that the suspension against BPA No. 2011/07/15/0355 be released because the subject rear exterior stairs are required for egress and are therefore exempt from Planning Code § 311 notification. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hillis, the Board voted 4-0 to deny the appeal and uphold the Release of Suspension on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Scott Hoopes, appellant; Jim Reuben, attorney for subject property owner; Teri Behm, agent for subject property owner; Dan Sider, PD; Anthony Grieco, DBI.

PUBLIC COMMENT: Anne Harvey and Patricia Vaughey spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:55 p.m.

PUBLIC NOTICE - NO BOA MEETINGS

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, June 22, 2012 1:11 PM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Chin, Jack [jack.chin@sfgov.org]; Day, Vivian [vivian.day@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Gessner, Francesca [francesca.gessner@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Kremenak, Charles [charles.kremenak@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

PUBLIC NOTICE

112,
12
called

The Board of Appeals has **NOT SCHEDULED** meetings for June 27, 2012 or July 04, 2012. The next regular meeting is scheduled for **WEDNESDAY, JULY 11, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

GOVERNMENT
DOCUMENTS DEPT

JUN 22 2012

SAN FRANCISCO
PUBLIC LIBRARY

Date Posted: **June 22, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 11, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

7-11-12 10:57 PM

(3) ADOPTION OF MINUTES:

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the June 20, 2012 minutes.

JUL - 6 2012

(4) APPEAL NO. 12-064

SAN FRANCISCO
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SWINERTON BUILDERS, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

1190 Mission Street.
Appealing the denial on May 04, 2012,
of Permit to Remove and Replace Five (5)
Trees.
ORDER NO. 180,190.
FOR HEARING TODAY.

(5) APPEAL NO. 12-067

MERLE EASTON, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

850 Columbus Avenue.
Protesting the issuance on May 09, 2012, to
Dept. of Public Works, Permit to Remove and
Replace Five (5) Trees.
ORDER NO. 180,241.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, JULY 11, 2012 - PAGE 2

(6) APPEAL NO. 12-065

RINCON CENTER RESTAURANT GROUP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	400 Howard Street and 60 Spear Street. Protesting the issuance on May 04, 2012, to Slider Shack LLC, Mobile Food Facility Permit (sale of sliders, tater tots and beverages). PERMIT NO. 11MFF-0182. FOR HEARING TODAY.
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(7) APPEAL NO. 11-012

PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	69 Montezuma Street. Appealing the denial on Jan. 26, 2011, of Permit to Alter a Building (existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174). APPLICATION NO. 2011/01/25/8939. FOR HEARING TODAY.
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(8) APPEAL NO. 11-099

ALLA DUBROVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1743 – 12 th Avenue. Appealing the suspension on Sept. 01, 2011, of Building Permit Application No. 2010/12/20/7039 (replace a failed property line retaining wall), for the reason that this permit was issued in error. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 06, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
VACANCY	-----

PROCEDURE AT HEARINGS

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REGULAR MEETING, BOARD OF APPEALS, JULY 11, 2012 - PAGE 4

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REGULAR MEETING, BOARD OF APPEALS, JULY 11, 2012 - PAGE 5

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BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

1650 Mission Street, Room 304
San Francisco, California 94103

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME

CHAPTER I

THE DISCOVERY OF AMERICA

SECTION I

THE FIRST DISCOVERY OF AMERICA

CHAPTER II

THE SETTLEMENT OF AMERICA

THE GROWTH OF THE UNITED STATES

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July 11, 2012

APR 29 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, JULY 11, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Rich Hillis and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Anthony Grieco, Acting Chief Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street-Use and Mapping (DPW BSM); Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 20, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the June 20, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-064

<p>SWINERTON BUILDERS, Appellant (s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>1190 Mission Street.</p> <p>Appealing the denial on May 04, 2012, of a Permit to Remove and Replace Five (5) Trees.</p> <p>ORDER NO. 180,190.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 4-0 to grant the appeal, overturn the department and issue the permit on the condition that ten (10) replacement trees of a 36" box size be planted, at the location and the species as determined by the department, and based on the agreement of the parties.

SPEAKERS: Ethan Roschen, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-067

<p>MERLE EASTON, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF PUBLIC WORKS</p>	<p>850 Columbus Avenue.</p> <p>Appealing the issuance on May 09, 2012, to Dept. of Public Works, of a Permit to Remove and Replace Five (5) Trees.</p>
--	--

**BUREAU OF URBAN FORESTRY,
Respondent**

**ORDER NO. 180,241.
FOR HEARING TODAY.**

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the appeal, uphold the department and issue the permit on the basis stated in the DPW Order.

SPEAKERS: Merle Easton, appellant; Lena Ch'en, agent for permit holder, Carla Short, DPW BUF, Marsha Maytum, agent for permit holder.

PUBLIC COMMENT: Jack Stewart, Ted Kipping, Joan Wood, Howard Wong, Judy Irving and Judy Berkowitz spoke in support of the appellant. Abby Herget, Mark Cormier, Fay Darmawi, Elizabeth Diaz, Julie Christensen and Lizzy Hirsch spoke in support of the permit holder.

(6) APPEAL NO. 12-065

<p>RINCON CENTER RESTAURANT GROUP, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE AND MAPPING, Respondent</p>	<p>400 Howard Street and 60 Spear Street.</p> <p>Protesting the issuance on May 04, 2012, to Slider Shack LLC, of a Mobile Food Facility Permit (sale of sliders, tater tots and beverages).</p> <p>PERMIT NO. 11MFF-0182. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-1 (Vice President Fung dissented) to deny the appeal, uphold the department and issue the permit on the basis stated in the DPW Order.

SPEAKERS: Pete Ryan, attorney for appellants; John Cade, agent for permit holder, John Kwong, DPW BSM.

PUBLIC COMMENT: Justin Sacco, David Silverglide and Krista Dixon spoke in support of the appellants.

(7) APPEAL NO. 11-012

<p>PATRICK BUSCOVICH, Appellant (s)</p> <p>vs.</p>	<p>69 Montezuma Street.</p> <p>Appealing the denial on Jan. 26, 2011, of a Permit to Alter a Building (existing large gate to be removed and replaced with fence</p>
--	--

**DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL**

**and gate combination; comply
with NOV Nos. 201033584 and
201036174).**

**APPLICATION
2011/01/25/8939.**

NO.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0 to deny the appeal and uphold the denial on the basis of the requirements of Planning Code § 150.

SPEAKERS: Patrick Buscovich, appellant; Mario Ballard, agent for appellant; Robert Mostovoy, subject property owner; Scott Sanchez, ZA; Anthony Grieco, DBI.

PUBLIC COMMENT: Sophie Lei Aldrich spoke in support of the appellant; Elizabeth Cretara spoke in support of the department.

(8) APPEAL NO. 11-099

ALLA DUBROVSKY, Appellant(s)

vs.

**DEPT. OF BUILDING INSPECTION,
Respondent**

1743 12th Avenue.

**Appealing the suspension on Sept.
01, 2011, of Building Permit
Application No. 2010/12/20/7039
(replace a failed property line
retaining wall), for the reason that
this permit was issued in error.**

FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to reschedule the matter to October 10, 2012 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:15 p.m

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Today

Pacheco, V... 11:32 ...
PUBLIC NOTICE

Victor.You... 11:31 ...
Meeting and others ...

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, July 13, 2012 11:31 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duff, Joseph [joseph.duff@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for July 18, 2012. The next regular meeting is scheduled for **WEDNESDAY, JULY 25, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **July 12, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415 575 6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 25, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

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JUL 20 2012

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the July 11, 2012 minutes.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 246 – 11th Avenue. Letter from Donald Fu, requestor, asking that the Board take jurisdiction over BPA No. 2012/04/13/8273, which was issued on May 10, 2012; the appeal period ended on May 25, 2012, and the jurisdiction request was filed on July 09, 2012. Permit Holder: MIGSIF, LLC. Project: remodel interior areas/upgrades; 6 dormer windows; replace windows; repair in-kind exterior surfaces; legalize space at 1st floor with 8' ceiling height; relocate bath and laundry; convert storage to bedrooms; remodel kitchen/bath; install fireplace; repair deck; remodel master bath; add bath, skylight and fireplace.

REGULAR MEETING, BOARD OF APPEALS, JULY 25, 2012 - PAGE 2

(5) APPEAL NO. 12-068

COURTNEY UTT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	642 Jones Street. Protesting the issuance on May 15, 2012, to Elizabeth LP, Minor Sidewalk Encroachment Permit (temporary fence and gate with panic hardware and exit sign across Colin Place – a dead end street). PERMIT NO. 12MSE-0111 FOR HEARING TODAY.
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ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-071

NORTH WATERFRONT RESTAURANT GROUP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Broadway: Davis St. to Front St. (50-99). Protesting the issuance on Feb. 21, 2012, to Off the Grid Services LLC, Mobile Food Facility Permit (sale of everything except hot dogs). PERMIT NO. 11MFF-0021. JURISDICTION GRANTED MAY 30, 2012. FOR HEARING TODAY.
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(6B) APPEAL NO. 12-072

NORTH WATERFRONT RESTAURANT GROUP, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	250 – 4 th Street & 90 Broadway. Protesting the issuance on March 08, 2012, to Off the Grid Services LLC, Mobile Food Facility Permit (sale of everything except hot dogs). PERMIT NO. 12MFF-0035. JURISDICTION GRANTED MAY 30, 2012. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, JULY 25, 2012 - PAGE 3

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 11-142

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Erect a Building (garage structure with 440sf of ground floor area). APPLICATION NO. 2006/12/05/9210. FOR HEARING TODAY.
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(7B) APPEAL NO. 11-143

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Alter a Building (construct stairs to second level of existing building in backyard; based on Planning variance approval 2005.0607V). APPLICATION NO. 2007/04/05/8127. FOR HEARING TODAY.
--	--

(8) APPEAL NO. 12-069

RAYMOND ABRONSKI & SUZANNE RAMSEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1355 – 46 th Avenue. Protesting the issuance on May 24, 2012, to Jeff Appenrodt, Permit to Alter a Building (remodel kitchen; remodel bathroom; replace windows not visible from street; no structural work; no change on wall and opening). APPLICATION NO. 2012/05/24/1178. FOR HEARING TODAY.
---	--

ADJOURNMENT.

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Date posted: **July 20, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
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REGULAR MEETING, BOARD OF APPEALS, JULY 25, 2012 - PAGE 5

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REGULAR MEETING, BOARD OF APPEALS, JULY 25, 2012 - PAGE 6

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

July 25, 2012

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BOARD OF APPEALSSAN FRANCISCO
PUBLIC LIBRARY**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, JULY 25, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Rich Hillis, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street-Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang welcomed and introduced Commissioner Lazarus, noting many of her educational and professional accomplishments, and her years of service to the City including as a member of the Port Commission. Commissioner Lazarus

expressed her pleasure at being able to continue to serve the City as a member of the Board.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 20, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the July 11, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 246 – 11th Avenue. Letter from Donald Fu, requestor, asking that the Board take jurisdiction over BPA No. 2012/04/13/8273, which was issued on May 10, 2012; the appeal period ended on May 25, 2012, and the jurisdiction request was filed on July 09, 2012. Permit Holder: MIGSIF, LLC. Project: remodel interior areas/upgrades; 6 dormer windows; replace windows; repair in-kind exterior surfaces; legalize space at 1st floor with 8' ceiling height; relocate bath and laundry; convert storage to bedrooms; remodel kitchen/bath; install fireplace; repair deck; remodel master bath; add bath, skylight and fireplace.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Donald Fu, requestor; Ronald Yu, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-068

COURTNEY UTT, Appellant(s)

vs.

DEPT. OF PUBLIC WORKS

642 Jones Street.

Protesting the issuance on May 15, 2012, to Elizabeth LP, Minor Sidewalk Encroachment Permit (temporary fence and gate with

<p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>panic hardware and exit sign across Colin Place – a dead end street).</p> <p>PERMIT NO. 12MSE-0111</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to continue this matter to August 15, 2012 to allow time for DBI to conduct an exiting and accessibility review.

SPEAKERS: Courtney Utt, appellant; Eric Brown, agent for appellant; Deborah Chilvers, agent for permit holder; John Kwong, DPW BSM; Joseph Duffy, DBI.

PUBLIC COMMENT: Robert Cesana, Barbara Cesana and Lora Lauritch spoke in support of the appellant. Chuck Drees spoke in support of the permit holder.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-071

<p>NORTH WATERFRONT RESTAURANT GROUP, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>Broadway: Davis St. to Front St. (50-99).</p> <p>Protesting the issuance on Feb. 21, 2012, to Off the Grid Services LLC, Mobile Food Facility Permit (sale of everything except hot dogs).</p> <p>PERMIT NO. 11MFF-0021.</p> <p>JURISDICTION GRANTED MAY 30, 2012.</p> <p>FOR HEARING TODAY.</p>
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(6B) APPEAL NO. 12-072

<p>NORTH WATERFRONT RESTAURANT GROUP, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p>	<p>250 – 4th Street & 90 Broadway.</p> <p>Protesting the issuance on March 08, 2012, to Off the Grid Services LLC, Mobile Food Facility Permit (sale of everything except hot dogs).</p>
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**BUREAU OF STREET-USE &
MAPPING,**

Respondent

PERMIT NO. 12MFF-0035.

**JURISDICTION GRANTED MAY
30, 2012.**

FOR HEARING TODAY.

ACTION: ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Hillis absent) to recuse Commissioner Hillis because he is the Executive Director of the nonprofit organization where the permit holder leases office space. Upon further motion by President Hwang, the Board voted 3-1-1 (Commissioner Hurtado dissented and Commissioner Hillis recused) to grant the appeals, uphold the department and issue the permits on the condition that both permits exclude the sale of hamburgers similar to those listed on the menu for Grumpy's American Pub attached as Exhibit C to the permit holder's brief. This condition is to last for the duration of the permit or as long as Grumpy's American Pub is in business, and is only to be applied to the Broadway Street locations listed on the permits. The motion was made on the basis of the "like foods" provisions in the DPW guidelines on Mobile Food Facility Permits.

SPEAKERS: Pete Ryan, attorney for appellants; Matt Cohen, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Anne-Marie De Martini, Eric Sigler, Chris O'Dea and Marla McLaughlin spoke in support of the permit holder.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 11-142

<p>SANJAY DANI, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION,</p> <p>Respondent</p> <p>PLANNING DEPT. DISAPPROVAL</p>	<p>45 Priest Street.</p> <p>Appealing the denial on Dec. 02, 2011, of Permit to Erect a Building (garage structure with 440sf of ground floor area).</p> <p>APPLICATION NO.</p> <p>2006/12/05/9210.</p> <p>FOR HEARING TODAY.</p>
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(7B) APPEAL NO. 11-143

<p>SANJAY DANI, Appellant(s)</p> <p>vs.</p>	<p>45 Priest Street.</p>
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**DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL**

Appealing the denial on Dec. 02, 2011, of Permit to Alter a Building (construct stairs to second level of existing building in backyard; based on Planning variance approval 2005.0607V).

**APPLICATION NO.
2007/04/05/8127.
FOR HEARING TODAY.**

ACTION: Upon motion by President Hwang, the Board voted 5-0 to reschedule both matters to October 10, 2012 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-069

**RAYMOND ABRONSKI
& SUZANNE RAMSEY, Appellant(s)
vs.**

**DEPT. OF BUILDING INSPECTION,
Respondent**

1355 – 46th Avenue.

Protesting the issuance on May 24, 2012, to Jeff Apprenrodt, Permit to Alter a Building (remodel kitchen; remodel bathroom; replace windows not visible from street; no structural work; no change on wall and opening).

**APPLICATION NO.
2012/05/24/1178.
FOR HEARING TODAY.**

WITHDRAWN PRIOR TO HEARING

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 01, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the July 25, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 156 – 27th Avenue. Appeal No. 12-042, Cooper vs. DPW BSM, decided May 16, 2012. At that time, the Board voted 4-1 to grant the appeal and revoke the Wireless Box Permit with adoption of findings at a later time. Permit Holder: NextG Networks of California Inc. (now Crown Castle NG West Inc.); Permit No. 11WR-0002.

REGULAR MEETING, BOARD OF APPEALS, AUGUST 01, 2012 - PAGE 2

(5) APPEAL NO. 12-027

INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. PUBLIC HEARING HELD APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection.
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ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-074

SF OCEAN EDGE, GOLDEN GATE AUDUBON SOCIETY, SIERRA CLUB S.F. GROUP, AND GREGORY MILLER, Appellant(s) vs. PLANNING COMMISSION, Respondent	Block/Lot 1700/001 – Beach Chalet Athletic Fields at Golden Gate Park. Protesting the approval on May 24, 2012 of Coastal Zone Permit granted to Recreation and Park Department. APPLICATION NO. 2010.0016P. MOTION NO. 18640. FOR HEARING TODAY.
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(6B) APPEAL NO. 12-075

GOLDEN GATE PARK PRESERVATION ALLIANCE, Appellant(s) vs. PLANNING COMMISSION, Respondent	Block/Lot 1700/001 – Beach Chalet Athletic Fields at Golden Gate Park. Protesting the approval on May 24, 2012 of Coastal Zone Permit granted to Recreation and Park Department. APPLICATION NO. 2010.0016P. MOTION NO. 18640. FOR HEARING TODAY.
---	---

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions about this agenda. Date posted: **July 27, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
RICH HILLIS	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

REGULAR MEETING, BOARD OF APPEALS, AUGUST 01, 2012 - PAGE 4

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

REGULAR MEETING, BOARD OF APPEALS, AUGUST 01, 2012 - PAGE 5

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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August 1, 2012

BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, AUGUST 01, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: Vice President Frank Fung, Commissioner Rich Hillis, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Sara Jones, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

President Chris Hwang was absent.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the July 25, 2012 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (President Hwang absent) to adopt the July 25, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 156 – 27th Avenue. Appeal No. 12-042, Cooper vs. DPW BSM, decided May 16, 2012. At that time, the Board voted 4-1 to grant the appeal and revoke the Wireless Box Permit with adoption of findings at a later time. Permit Holder: NextG Networks of California Inc. (now Crown Castle NG West Inc.); Permit No. 11WR-0002.

ACTION: Upon motion by Commissioner Hillis, the Board voted 4-0-1 (President Hwang absent) to adopt the findings.

SPEAKERS: Jeff Cooper, appellant; Natasha Ernst, agent for permit holder.

PUBLIC COMMENT: G.L. Hastings stated that the subject property address is an avenue and not a street.

(5) APPEAL NO. 12-027

<p>INGE DHILLON, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION,</p> <p>Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>21 Rosemont Place.</p> <p>Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with 1/2 bath).</p> <p>APPLICATION NO.</p> <p>2012/02/13/4029.</p>
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PUBLIC HEARING HELD APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct a life/safety inspection.

ACTION: Upon motion by Commissioner Hillis, the Board voted 4-0-1 (President Hwang absent) to continue the matter to November 7, 2012 to allow the parties additional time to look for alternate housing for the appellant.

SPEAKERS: Jim Faye, agent for appellant; Jonathan Withrington, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-074

SF OCEAN EDGE, GOLDEN GATE AUDUBON SOCIETY, SIERRA CLUB S.F. GROUP, AND GREGORY MILLER, Appellant(s) vs. PLANNING COMMISSION, Respondent	Block/Lot 1700/001 – Beach Chalet Athletic Fields at Golden Gate Park. Protesting the approval on May 24, 2012 of Coastal Zone Permit granted to Recreation and Park Department. APPLICATION NO. 2010.0016P. MOTION NO. 18640. FOR HEARING TODAY.
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(6B) APPEAL NO. 12-075

GOLDEN GATE PARK PRESERVATION ALLIANCE, Appellant(s) vs.	Block/Lot 1700/001 – Beach Chalet Athletic Fields at Golden Gate Park.
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**PLANNING COMMISSION,
Respondent**

Protesting the approval on May 24, 2012 of Coastal Zone Permit granted to Recreation and Park Department.

APPLICATION NO. 2010.0016P.

MOTION NO. 18640.

FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (President Hwang absent) to deny the appeals and uphold the permit on the basis of the following findings:

1. The Board has had available for its review and consideration the Environmental Impact Report and all correspondence and other documents related to the environmental review for the renovation of the Beach Chalet Athletic Facility (the "project"). This information is available for public inspection at the Board of Appeals' office at 1650 Mission Street and is made part of the record before the Board by this reference herein.
2. The Board, based on substantial evidence in light of the whole record, including information presented at this hearing, finds that there have been no project changes or changes in project circumstances and no new information of substantial importance that would change the conclusions of the Planning Department's California Environmental Quality Act determination, which are incorporated herein by reference.
3. This Board finds that the Project is consistent with the requirements and objectives of the San Francisco Local Coastal Program for the reasons stated in Planning Commission Motion No. 18640 (Case No. 2010.0016P), Section A of the Planning Department brief filed in this matter and dated July 26, 2012, and Section C of the Recreation and Park Department brief filed in this matter and dated July 26, 2012, which reasons are adopted and incorporated herein.
4. This Board finds that the Project is consistent with the Priority Policies established by Section 101.1(b) of the Planning Code for the reasons stated in Planning Commission Motion No. 18640 (Case No. 2010.0016P), which reasons are adopted and incorporated herein.

SPEAKERS: Brooke O'Hanley, attorney for appellants in Appeal No. 12-074; Katherine Howard, agent for appellant in Appeal No. 12-075; Phil Ginsburg, agent for permit holder; Dawn Kamalanathan, agent for permit holder; Scott Sanchez, ZA; Sara Jones, PD.

PUBLIC COMMENT: John Sargent, Kathleen McCowin, Susan Englander, Patricia Arack, Rupert Clayton, Miriam Pinchuk, Dave Goggin, Eva-Lynne Leibman, Barbara Liu-McDowell, Marvel McDowell, Maverick McDowell, Freddi Alagheband, Susan Vaughn, Robert Fries and G.L. Hastings spoke in support of the appellants.

Brendan Dunnigan, Dylan Dunnigan, Susan Dunnigan, Marcia Madrigal, Jaime Albona, Richard Cross, Jill Comsburry, Kim Freudenberg, Kurt Freudenberg, Pamela Rupright, Andrea Nagelston, Krista Boscoe, John Zwolinski, Rich Fern, Scotty Kober, Donald Collins, Eric Hansen, Edward Yiu To, and Anonymous spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Fung adjourned the meeting at 8:30 p.m.

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Today

Pacheco, ... 10:1...
PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, August 03, 2012 10:10 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Day, Vivian [vivian.day@sfgov.org];
Duff, Joseph [joseph.duff@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for August 08, 2012. The next regular meeting is scheduled for **WEDNESDAY, AUGUST 15, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **August 03, 2012**Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880GOVERNMENT
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 15, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 01, 2012 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

(4b) **REHEARING REQUEST:**

Subject property at 400 Howard Street and 60 Spear Street. Appeal No. 12-065, Rincon Center Restaurant Group vs. DPW BSM, decided July 11, 2012. At that time, the Board voted 3-1 (one vacancy) to deny the appeal and uphold the permit on the basis stated in the DPW Order. Permit Holder: Slider Shack LLC. Permit Type: Mobile Food Facility Permit (sale of sliders, tater tots and beverages); PERMIT NO. 11MFF-0182.

(5) APPEAL NO. 12-068

<p>COURTNEY UTT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent</p>	<p>642 Jones Street. Protesting the issuance on May 15, 2012, to Elizabeth LP, Minor Sidewalk Encroachment Permit (temporary fence and gate with panic hardware and exit sign across Colin Place – a dead end street). PERMIT NO. 12MSE-0111 PUBLIC HEARING HELD JULY 25, 2012; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a review of accessibility and exiting issues; no additional briefing allowed except for DBI's report.</p>
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(6) APPEAL NO. 11-095

<p>PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.</p>
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(7) APPEAL NO. 12-077

<p>SYLVIA SALVADOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2 Cielito Drive. Appealing the imposition of penalty on June 15, 2012, for construction work done without a permit. APPLICATION NO. 2012/06/13/2547. FOR HEARING TODAY.</p>
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 15, 2012 - PAGE 3

(8) APPEAL NO. 12-078

BRUCE & ELIZABETH ERICSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2680 Green Street. Protesting the issuance on May 31, 2012, to Green Broderick LLC, Permit to Alter a Building (interior remodel at all levels, partial light well infill on west side, and seismic upgrade; includes 3 new bathrooms, new wine cellar, laundry room, new elevator, roof deck, projected balcony at rear, garden room at 1 st floor, new stucco finish, and new windows, parapet and skylights). APPLICATION NO. 2012/02/14/4178. FOR HEARING TODAY.
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(9) APPEAL NO. 12-079

TERRY MEEHAN & JUDITH WINCHEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1607 – 47 th Avenue. Protesting the issuance on June 06, 2012, to Peter Fealy Family Trust, Permit to Alter a Building (comply with NOV Nos. 9700221 and 201291473; revert to single family dwelling; remove illegal kitchen, relocate bath, and legalize bedroom and sitting area; provide one required parking space in garage). APPLICATION NO. 2012/05/10/0192. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 10, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

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REGULAR MEETING, BOARD OF APPEALS, AUGUST 15, 2012 - PAGE 5

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

GOVERNMENT
DOCUMENTS DEPT

August 15, 2012

APR 29 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, AUGUST 15, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

Commissioner Arcelia Hurtado was absent.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang acknowledged Vice President Fung's reappointment to another four year term on the Board and expressed her appreciation for his service. Commissioner Lazarus congratulated Vice President Fung on his reappointment and stated that she looks forward to serving with him on the Board. Vice President Fung thanked his colleagues for their comments. He also announced that he will be absent for the September 12, 2012 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 1, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to adopt the August 1, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue the matter to October 10, 2012 at the request of the parties to allow more time for settlement discussions.

SPEAKERS: Andrew Zacks, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Elizabeth Cretara spoke in support of the continuance.

(4b) **REHEARING REQUEST:**

Subject property at 400 Howard Street and 60 Spear Street. Appeal No. 12-065, Rincon Center Restaurant Group vs. DPW BSM, decided July 11, 2012. At that time, the Board voted 3-1 (one vacancy) to deny the appeal and uphold the permit on the basis stated in the DPW Order. Permit Holder: Slider Shack LLC. Permit Type: Mobile Food Facility Permit (sale of sliders, tater tots and beverages); PERMIT NO. 11MFF-0182.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the rehearing request based on a lack of new evidence.

SPEAKERS: Michael Shawwa, agent for appellant; John Cade, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-068

<p>COURTNEY UTT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC WORKS</p> <p>BUREAU OF STREET-USE & MAPPING,</p> <p>Respondent</p>	<p>642 Jones Street.</p> <p>Protesting the issuance on May 15, 2012, to Elizabeth LP, Minor Sidewalk Encroachment Permit (temporary fence and gate with panic hardware and exit sign across Colin Place – a dead end street).</p> <p>PERMIT NO. 12MSE-0111</p> <p>PUBLIC HEARING HELD JULY 25, 2012; FOR FURTHER CONSIDERATION TODAY.</p> <p>Note: matter continued to allow time for DBI to conduct a review of accessibility and exiting issues.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and issue the permit on the condition that (1) all necessary building permits for the installation of the gate be obtained; (2) keys to the gate be provided to all units in 642 Jones Street and 691 Post within one week of the issuance of the Board's Notice of Decision; and (3) the gate shall remain open every day from 7:30 a.m. to 6:00 p.m. until the building permits for the gate have been deemed final by DBI.

SPEAKERS: Courtney Utt, appellant; Dennis Flynn, agent for permit holder; Joseph Duffy, DBI; John Kwong, DPW BSM.

PUBLIC COMMENT: Robert Cesana, Loraе Lauritch and Barbara Cesana spoke in support of the appellant.

(6) APPEAL NO. 11-095

<p>PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit.</p>
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue the matter to October 10, 2012 due to the absence of the parties' representatives.

SPEAKERS: Andrew Zacks, attorney for appellant; no one appeared on behalf of the permit holder.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-077

<p>SYLVIA SALVADOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>2 Cielito Drive. Appealing the imposition of penalty on June 15, 2012, for construction work done without a permit. APPLICATION NO. 2012/06/13/2547. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and reduce the penalty to two times the permit fee based on the fact that the appellant did not perform the unpermitted work.

SPEAKERS: Sylvia Salvador, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-078

<p>BRUCE & ELIZABETH ERICSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2680 Green Street. Protesting the issuance on May 31, 2012, to Green Broderick LLC, Permit to Alter a Building (interior remodel at all levels, partial light well infill on west side, and seismic upgrade; includes 3 new bathrooms, new wine cellar, laundry room, new elevator, roof deck, projected balcony at rear, garden room at 1st floor, new stucco finish, and new windows, parapet and skylights). APPLICATION NO. 2012/02/14/4178. FOR HEARING TODAY.</p>
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ACTION: The matter was withdrawn at the hearing.

SPEAKERS: Lucian Blazej, agent for appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 12-079

<p>TERRY MEEHAN & JUDITH WINCHEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1607 – 47th Avenue. Protesting the issuance on June 06, 2012, to Peter Fealy Family Trust, Permit to Alter a Building (comply with NOV Nos. 9700221 and 201291473; revert to single</p>
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PLANNING DEPT. APPROVAL

family dwelling; remove illegal kitchen, relocate bath, and legalize bedroom and sitting area; provide one required parking space in garage).

**APPLICATION
2012/05/10/0192.**

NO.

FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the permit on the basis that there is a pending abatement proceeding at DBI for the removal of the illegal unit.

SPEAKERS: Eunice Chang, attorney for appellants; Steven MacDonald, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 22, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the August 15, 2012 minutes.

GOVERNMENT
DOCUMENTS DEPT

AUG 17 2012

(4) ADDENDUM ITEMS:

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PUBLIC LIBRARY

(4a) REHEARING REQUEST:

Subject property at 156 – 27th Avenue. Appeal No. 12-042, Cooper vs. DPW BSM. On May 16, 2012, the Board voted 4-1 (Michael Garcia dissented) to grant the appeal and revoke the Wireless Box Permit with adoption of findings at a later time; and on August 01, 2012, the Board voted 4-0-1 (Chris Hwang absent) to adopt the findings. Permit Holder: NextG Networks of California Inc. (now Crown Castle NG West Inc.); Permit No. 11WR-0002.

(5) APPEAL NO. 97-165

BHAZUBHAI PATEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4201- 4211 Judah Street. Protesting the issuance of a Letter of Determination dated November 19, 1997, addressed to Timothy Lee at Tenderloin Housing Clinic, that finds no legal non-conforming use of the subject property as a tourist hotel has been established. FOR REHEARING TODAY.
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ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-035

JOHN CAREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	135 El Camino Del Mar. Appealing the denial on March 12, 2012, of Permit to Alter a Building (response to NOV Nos. 200865117, 200864297, and 200989665; revise, correct and update additions built without proper permits and Planning Dept. review under § 311 requirements; veranda at upper floor; terrace and front room at first floor; roof deck at second floor; remove and rebuild portion of building over property line at SE corner of rear of property). APPLICATION NO. 2010/01/07/4358. FOR HEARING TODAY.
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(6B) APPEAL NO. V12-045

JOHN CAREY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	135 El Camino Del Mar. Appealing the denial on March 28, 2012, of Rear Yard & Non-Complying Structure Variances (legalize work that encroaches into required rear yard and that was constructed beyond the scope of BPA No. 9802662 and documented in BPA No. 2010/01/07/4358). VARIANCE CASE NO. 2010.0868V. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, AUGUST 22, 2012 - PAGE 3

(7) APPEAL NO. 12-083

SHANNON GALLAGHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2101 Washington Street. Protesting the issuance on July 09, 2012, to Recreation and Park Department, Permit to Alter a Building (ADA/barrier removal; interior renovation of existing public restroom; new plumbing fixtures; new lights; park improvements include new ADA paths, new retaining walls, and new lights. APPLICATION NO. 2011/12/09/0448. FOR HEARING TODAY.
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Date posted: **August 17, 2012**

MEMBERS OF THE BOARD OF APPEALS

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FRANK FUNG	VICE PRESIDENT
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VACANT	-----

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

August 22, 2012

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BOARD OF APPEALS SAN FRANCISCO
CITY & COUNTY OF SAN FRANCISCO PUBLIC LIBRARY
MEETING MINUTES - WEDNESDAY, AUGUST 22, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

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Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Patrick O'Riordan, Senior Building Inspector, DBI; John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the August 15, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to adopt the August 15, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) REHEARING REQUEST:**

Subject property at 156 – 27th Avenue. Appeal No. 12-042, Cooper vs. DPW BSM. On May 16, 2012, the Board voted 4-1 (former Commissioner Garcia dissented) to grant the appeal and revoke the Wireless Box Permit with adoption of findings at a later time; and on August 01, 2012, the Board voted 4-0-1 (President Hwang absent) to adopt the findings. Permit Holder: NextG Networks of California Inc. (now Crown Castle NG West Inc.); Permit No. 11WR-0002.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the rehearing request.

SPEAKERS: Natasha Ernst, attorney for requestor; Jeff Cooper, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(5) APPEAL NO. 97-165

BHAZUBHAI PATEL, Appellant(s)
vs.
ZONING ADMINISTRATOR,
Respondent

4201- 4211 Judah Street.
Protesting the issuance of a Letter of Determination dated November 19, 1997, addressed to Timothy Lee at Tenderloin Housing Clinic, that finds no legal non-conforming use of the

**subject property as a tourist hotel
has been established.**

FOR REHEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to grant the appeal, overturn the Letter of Determination, adopt the findings stipulated to by the parties, on the basis that the Zoning Administrator erred by not recognizing the information substantiating a non-conforming use that was available in 1997.

SPEAKERS: Andrew Zacks, attorney for appellant; Steven Collier, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-035

<p>JOHN CAREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL</p>	<p>135 El Camino Del Mar. Appealing the denial on March 12, 2012, of Permit to Alter a Building (response to NOV Nos. 200865117, 200864297, and 200989665; revise, correct and update additions built without proper permits and Planning Dept. review under § 311 requirements; veranda at upper floor; terrace and front room at first floor; roof deck at second floor; remove and rebuild portion of building over property line at SE corner of rear of property). APPLICATION NO. 2010/01/07/4358. FOR HEARING TODAY.</p>
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(6B) APPEAL NO. V12-045

<p>JOHN CAREY, Appellant(s) vs.</p>	<p>135 El Camino Del Mar. Appealing the denial on March 28, 2012, of Rear Yard & Non-Complying Structure Variances (legalize work that encroaches</p>
---	---

ZONING ADMINISTRATOR, Respondent	into required rear yard and that was constructed beyond the scope of BPA No. 9802662 and documented in BPA No. 2010/01/07/4358). VARIANCE CASE NO. 2010.0868V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0 to deny the appeals and uphold the denials for the reasons stated in the Planning Department's brief submitted in this matter.

SPEAKERS: John Carey, attorney for appellant; Sue Hestor, attorney for Section 14 party; Rodney Grebe, Section 14 party; Scott Sanchez, ZA; Patrick O'Riordan, DBI.

PUBLIC COMMENT: Robert Scavullo spoke in support of upholding the permit and variance denials.

(7) APPEAL NO. 12-083

SHANNON GALLAGHER, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2101 Washington Street. Protesting the issuance on July 09, 2012, to Recreation and Park Department, Permit to Alter a Building (ADA/barrier removal; interior renovation of existing public restroom; new plumbing fixtures; new lights; park improvements include new ADA paths, new retaining walls, and new lights. APPLICATION NO. 2011/12/09/0448. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Shannon Gallagher, appellant; Mary Hobson, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Patricia Lovelock and Cathy Siler spoke in support of the appellant. Lynne Newhouse Segal, Steffen Franz, Art Persiko, Shila Clement, Glen Cimino, Linas Stempuzig, Jeffery Miller and Ari Vartarian spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:35 p.m.

Inbox (1 Item s)

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Today

Pacheco, V... 10:09 ...
PUBLIC NOTICE - N...**PUBLIC NOTICE - NO BOA MEETINGS**

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, August 24, 2012 10:09 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for August 29, 2012 or Sept. 05, 2012. The next regular meeting is scheduled for **WEDNESDAY, SEPT. 12, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **August 24, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals. C & C of S.F.. Dept. 37

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AUG 24 2012

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11/08/2011 10:11 AM

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 12, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 22, 2012 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 2853-2857 Broderick Street. Letter from Kate Polevoi, agent for Pat Buscovich, appellant, requesting rehearing of Appeal No. 12-056, Buscovich vs. DBI, PDA, decided June 20, 2012. At that time, the Board voted 4-0-1 (one vacant seat) to deny the appeal and uphold the permit on the basis that the scope of work complies with the Planning and Building Codes. Permit Holder: Inger Conrad. Project: raise building 36"; build new garage and rooms down for future expansion; new curb cut; BPA No. 2011/03/25/2839S.

(4b) **JURISDICTION REQUEST:**

Subject property at 280 Union Street. Letter from John & Teresa Votruba, requestors, asking that the Board take jurisdiction over BPA No. 2010/09/08/0424, which was issued March 17, 2011; the appeal period ended on April 01, 2011, and the jurisdiction request was filed on August 08, 2012. Permit Holder: Bushra Khan. Project: comply with NOV No. 201031519; legalize existing ¾ hour fire rated windows with quick response type sprinkler head; close on the property line.

(4c) REHEARING REQUEST:

Subject property at Beach Chalet Athletic Fields / Golden Gate Park. Letter from Katherine Howard, agent for Golden Gate Park Preservation Alliance, appellant, requesting rehearing of Appeal No. 12-075, GGPPA vs. PC, decided Aug. 01, 2012. At that time, the Board voted 4-0-1 (Chris Hwang absent) to deny the appeal and uphold the Coastal Zone Permit with factual findings and CEQA findings as read into the record. Permit Holder: Recreation & Park Department.

(5) APPEAL NO. 12-066

MICHAIL KIPNIS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESIBLE SERVICES, Respondent	Appealing the revocation on May 18, 2012, of taxi medallion no. 1094. FOR HEARING TODAY.
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(6) APPEAL NO. 12-087

MICHAEL BURKETT JR., Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114-124 Noe Street. Protesting the issuance on July 12, 2012, to Dept. of Public Works, Permit to Remove and Replace One (1) Tree. ORDER NO. 180,367. FOR HEARING TODAY.
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(7) APPEAL NO. 12-070

LEON CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	4218 Mission Street. Protesting the issuance on May 18, 2012, to Pickle/Besser Family Trust, Permit to Alter a Building (interior soft demo only on ground floor and basement; no exterior work per AB- 017). APPLICATION NO. 2012/05/14/0406. FOR HEARING TODAY.
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(8) APPEAL NO. 12-085

CAMBON CONNOISEUR COOPERATIVE INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	33 Cambon Drive aka 61-85 Cambon Drive. Appealing a Letter of Determination dated July 10, 2012, addressed to Matthew Girardi, regarding whether a Medical Cannabis Dispensary (MCD) use would be permitted at the subject property under the Planning Code. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 07, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives

of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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September 12, 2012

APR 29 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, SEPTEMBER 12, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Municipal Transportation Authority Division of Taxis and Accessible Services (MTA DTAS); Scott Leon, MTA DTAS; Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Frank Fung.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang congratulated Commissioner Hurtado on her reappointment to the Board and expressed appreciation for her willingness to serve another term.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the August 22, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to adopt the August 22, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 2853-2857 Broderick Street. Letter from Kate Polevoi, agent for Pat Buscovich, appellant, requesting rehearing of Appeal No. 12-056, Buscovich vs. DBI, PDA, decided June 20, 2012. At that time, the Board voted 4-0-1 (one vacant seat) to deny the appeal and uphold the permit on the basis that the scope of work complies with the Planning and Building Codes. Permit Holder: Inger Conrad. Project: raise building 36"; build new garage and rooms down for future expansion; new curb cut; BPA No. 2011/03/25/2839S.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-0-1 (Vice President Fung absent) to grant the rehearing request and schedule the rehearing for September 19, 2012.

SPEAKERS: John Kevlin, attorney for permit holder; Irving Zaretsky, agent for requestor.

PUBLIC COMMENT: None.

(4b) JURISDICTION REQUEST:

Subject property at 280 Union Street. Letter from John & Teresa Votruba, requestors, asking that the Board take jurisdiction over BPA No. 2010/09/08/0424, which was issued March 17, 2011; the appeal period ended on April 01, 2011, and the jurisdiction request was filed on August 08, 2012. Permit Holder: Bushra Khan. Project: comply with NOV No. 201031519; legalize existing ¾ hour fire rated windows with quick response type sprinkler head; close on the property line.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to deny the jurisdiction request on the basis that there was no error on the part of the City.

SPEAKERS: Teresa Votruba, requestor; Bushra Khan, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(4c) REHEARING REQUEST:

Subject property at Beach Chalet Athletic Fields / Golden Gate Park. Letter from Katherine Howard, agent for Golden Gate Park Preservation Alliance, appellant, requesting rehearing of Appeal No. 12-075, GGPPA vs. PC, decided Aug. 01, 2012. At that time, the Board voted 4-0-1 (President Chris Hwang absent) to deny the appeal and uphold the Coastal Zone Permit with factual findings and CEQA findings as read into the record. Permit Holder: Recreation & Park Department.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to deny the rehearing request.

SPEAKERS: Katherine Howard, agent for requestor; Dan Mauer, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: John Sargent, Starchild and Jean Barish spoke in support of the requestor.

(5) APPEAL NO. 12-066

**MICHAIL KIPNIS, Appellant(s)
vs.**

**Appealing the revocation on
May 18, 2012, of taxi medallion
no. 1094.
FOR HEARING TODAY.**

MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESIBLE SERVICES, Respondent	
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to grant the appeal and overturn the department's revocation of the medallion on the basis that there was insufficient evidence presented to warrant the revocation.

SPEAKERS: Heidi Machen, attorney for appellant; Boris Shamis, agent for appellant; Jarvis Murray, MTA DTAS; Scott Leon, MTA DTAS.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-087

MICHAEL BURKETT JR., Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114-124 Noe Street. Protesting the issuance on July 12, 2012, to Dept. of Public Works, Permit to Remove and Replace One (1) Tree. ORDER NO. 180,367. FOR HEARING TODAY.
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to deny the appeal and issue the permit for the reasons stated in the DPW Order.

SPEAKERS: Michael Burkett, Jr., appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: Starchild spoke in support of the appellant.

(7) APPEAL NO. 12-070

LEON CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	4218 Mission Street. Protesting the issuance on May 18, 2012, to Pickle/Besser Family Trust, Permit to Alter a Building (interior soft demo only on ground
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floor and basement; no exterior work per AB-017).

APPLICATION

NO.

2012/05/14/0406.

FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Vice President Fung absent) to deny the appeal and issue the permit on the basis that there was no supporting evidence introduced related to the permit on appeal.

SPEAKERS: Leon Chow, appellant; Joe Elford, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Laurie Heath, David Li, Shu An Chen, Victoria Chow, Meijuan Chen, Lois Chan, Yi Wu, Susan, Xiu Yu, Lily Chung, Yan Lee Cheng, Yue Mei Ching, Mei Shu, Bao Zhen, Yensie Li, Elbert Chan, May Hu, Ling Xie, Yuet Ngor Lam Tam, Qu Van Kuang, Vivian Tom, Peggy, Huan Yu Li, Oiling Yu, Mei Xia Hung, Fanny Yu, Joann Chen, Helen Li, Jianzi Hung, Hazel Kong, Bi Wen Li, Toy Yin Lee, Qi Fung Liang, Jin Ru Xie, Mu Ping Gee, Cai Run Tan, Ai Ying Peng, Xiu Yu, Vivian Yang, Ellen Chan, Tina Zheng, Susan Ma, Oi Mui Wong, Liana Chen, Jin Yi Chen, Wanming Huang, Stephen Chow, Miao Li, Qina Zheng, Oi Kwan Su Chan, Lai Mee Chow, Xing Mei Chen, Cecily Kyi, Mi Ling Joe, Mei Wong, Xiu Ling Lin, Angel Cheung, Serena Yu and Lynn Chong spoke in support of the appellant.

Linnette Peralta Haynes, Anthony Steinberg, Robert Whitten, Mira Ingram, Jerred Kiloh, Wayne Kiloh, Sarah, Kimberly Alvarenga, Melody Gannen, David Hooper, Antonio Uriarte, Roy Lettiere, Erick Alparo, Brent Zimmiuch, Jonathan Batiste, Terrie Frye, Adrienne Pavloff, Michael Aldrich, Michelle Aldrich, David Goldman, Kenneth Michael Koehn, Jennifer Kholer, Daniel Jaquez, Starchild, Brian Denny, Steven Ryder, Gerald Ikemoto, Jose Avalos, David Cano, Kevin Cano, McJullian Aujero, Anthony B., James Ramirez, Victor Hirina and Brian Hilbert spoke in support of the permit holder.

(8) APPEAL NO. 12-085

**CAMBON CONNOISEUR
COOPERATIVE INC., Appellant(s)**

vs.

**ZONING ADMINISTRATOR,
Respondent**

**33 Cambon Drive aka 61-85
Cambon Drive.**

**Appealing a Letter of
Determination dated July 10,
2012, addressed to Matthew
Girardi, regarding whether a
Medical Cannabis Dispensary
(MCD) use would be permitted at**

**the subject property under the
Planning Code.**

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (Vice President Fung absent) to continue this matter to October 24, 2012.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:35 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 19, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 12, 2012 minutes.

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SEP 14 2012

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(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 2101 Washington Street. Letter from Shannon Gallagher, appellant, requesting rehearing of Appeal No. 12-083, Gallagher vs. DBI, PDA, decided Aug. 22, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the permit on the basis that it is Code compliant. Permit Holder: Recreation & Park Department. Project: ADA/barrier removal; interior renovation of existing public restroom; new plumbing fixtures; new lights; park improvements include new ADA paths, new retaining walls, and new lights; BPA No. 2011/12/09/0448.

(5) APPEAL NO. 12-056

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2853-2857 Broderick Street. Protesting the issuance on April 17, 2012, to Inger Conrad, Permit to Alter a Building (raise building 36"; build new garage and rooms down for future expansion; new curb cut). APPLICATION NO. 2011/03/25/2839S. FOR REHEARING TODAY.
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(6) APPEAL NO. 12-081

KINAMI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	544 Jones Street. Appealing the 30-day suspension of a Tobacco Product Sales Permit. Reason for suspension: violation of State law and the San Francisco Health Code which prohibit the indoor smoking of tobacco products. DIRECTOR'S CASE NO. SMK12-06. FOR HEARING TODAY.
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(7) APPEAL NO. 12-089

HENRY JOHNSON, Appellant(s) vs. POLICE DEPARTMENT, Respondent	1195 Quesada Street. Appealing the denial on July 23, 2012, of Tow Car Operator Permit (P43). FOR HEARING TODAY.
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(8) APPEAL NO. 12-094

PIPER MURAKAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	117 Broad Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2012/07/24/5594. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 19, 2012 - PAGE 3

(9) APPEAL NO. 12-096

AMERICAN LEGION WAR MEMORIAL COMMISSION, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	401 Van Ness Avenue. Protesting the granting on July 18, 2012, to Dept. of Public Works, Certificate of Appropriateness (exterior alterations to subject property). MOTION NO. 0166. FOR HEARING TODAY.
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(10) APPEAL NO. 12-093

KEITH DOERGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2865 Vallejo Street. Protesting the issuance on Aug. 01, 2012, to Shane Busch, Permit to Alter a Building (work related to approved BPA No. 2011/10/14/6816; underground expansion to garage – addition of 697sf; all new work is underground; new elevator up to 1 st floor level; seismic upgrade; interior remodel of 1 st floor level; mandatory sprinkler work under separate permit). APPLICATION NO. 2011/12/19/0928. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 14, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

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REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 19, 2012 - PAGE 5

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DVD'S OF MEETINGS

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

GOVERNMENT
DOCUMENTS DEPT

September 19, 2012

APR 29 2013

BOARD OF APPEALSSAN FRANCISCO
PUBLIC LIBRARY**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, SEPTEMBER 19, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Dan Sider, Assistant Zoning Administrator, Planning Department (PD); Patrick O'Riordan, Senior Building Inspector, Department of Building Inspection (DBI); Janine Young, Senior Inspector, Environmental Health Section, Department of Public Health (DPH); Alyonik Hrushow, Tobacco Free Project, DPH; Officer Rob Forneris, Permit Bureau, San Francisco Police Department (SFPD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Arcelia Hurtado.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang apologized for the delayed start of the meeting resulting from traffic congestion in the area.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 12, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to adopt the September 12, 2012 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 2101 Washington Street. Letter from Shannon Gallagher, appellant, requesting rehearing of Appeal No. 12-083, Gallagher vs. DBI, PDA, decided Aug. 22, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the permit on the basis that it is Code compliant. Permit Holder: Recreation & Park Department. Project: ADA/barrier removal; interior renovation of existing public restroom; new plumbing fixtures; new lights; park improvements include new ADA paths, new retaining walls, and new lights; BPA No. 2011/12/09/0448.

ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the rehearing request.

SPEAKERS: Shannon Gallagher, requestor; Mary Hobson, agent for permit holder; Dan Sider, PD; Patrick O'Riordan, DBI.

PUBLIC COMMENT: Cathy Siler and Nick P. spoke in support of the appellant. Steffen Franz, Corrina Bonomo and Lynne Newhouse Segal spoke in support of the permit holder.

(5) **APPEAL NO. 12-056**

<p>PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2853-2857 Broderick Street. Protesting the issuance on April 17, 2012, to Inger Conrad, Permit to Alter a Building (raise building 36"; build new garage and rooms down for future expansion; new curb cut). APPLICATION 2011/03/25/2839S. NO. FOR REHEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and condition the permit to reflect the modifications noted in the plans marked as Exhibit A, dated August 22, 2012, on the basis that the modifications reflect the agreement of the parties.

SPEAKERS: Irving Zaretsky, agent for appellant; John Kevlin, attorney for permit holder.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-081

<p>KINAMI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>544 Jones Street. Appealing the 30-day suspension of a Tobacco Product Sales Permit. Reason for suspension: violation of State law and the San Francisco Health Code which prohibit the indoor smoking of tobacco products. DIRECTOR'S CASE NO. SMK12-06. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the suspension on the basis that the Ordinance prohibits smoking at restaurants and because the DPH policy to avoid the appearance of allowing smoking at restaurants is compelling.

SPEAKERS: Abraham Mertens, attorney for appellant; Kinami Ahmed, appellant; Janine Young, DPH; Alyonik Hrushow, DPH.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-089

<p>HENRY JOHNSON, Appellant(s) vs. POLICE DEPARTMENT, Respondent</p>	<p>1195 Quesada Street. Appealing the denial on July 23, 2012, of Tow Car Operator Permit (P43). FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue the hearing to November 7, 2012 so that the SFPD may issue a written clarification of the departmental action and to allow both parties time to submit additional briefing. The SFPD departmental action should be submitted to the Board and the appellant no later than October 3, 2012; the appellant's brief should be submitted no later than October 18, 2012; and the SFPD brief should be submitted no later than November 1, 2012. Up to twelve (12) pages of briefing (double-spaced) is allowed with unlimited pages of exhibits.

SPEAKERS: Henry Johnson, appellant; Officer Robert Forneris, SFPD.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-094

<p>PIPER MURAKAMI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>117 Broad Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2012/07/24/5594. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Piper Murakami, appellant; Patrick O'Riordan, DBI.

PUBLIC COMMENT: None.

(9) APPEAL NO. 12-096

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<p>AMERICAN LEGION</p> <p>WAR MEMORIAL COMMISSION,</p> <p>Appellant(s)</p> <p>vs.</p> <p>HISTORIC PRESERVATION</p> <p>COMMISSION,</p> <p>Respondent</p>	<p>401 Van Ness Avenue.</p> <p>Protesting the granting on July 18, 2012, to Dept. of Public Works, Certificate of Appropriateness (exterior alterations to subject property).</p> <p>MOTION NO. 0166.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue this matter to October 10, 2012, in order for the case to be heard by four Board members as is required by City law.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-093

<p>KEITH DOERGE, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION,</p> <p>Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>2865 Vallejo Street.</p> <p>Protesting the issuance on Aug. 01, 2012, to Shane Busch, Permit to Alter a Building (work related to approved BPA No. 2011/10/14/6816; underground expansion to garage – addition of 697sf; all new work is underground; new elevator up to 1st floor level; seismic upgrade; interior remodel of 1st floor level; mandatory sprinkler work under separate permit).</p> <p>APPLICATION NO. 2011/12/19/0928.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the appeal and uphold the permit.

SPEAKERS: Keith Doerge, appellant; Reinhard Ludke, agent for appellant; Ilene Dick, attorney for permit holder; Randy Collins, agent for permit holder; Lawrence Karp, agent for permit holder; Dan Sider, PD; Patrick O’Riordan, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:10 p.m.

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, September 21, 2012 10:59 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org]; Bryan, Robert [robert.bryan@sfgov.org]; Chin, Jack [jack.chin@sfgov.org]; Duffy, Joseph [joseph.duffy@sfgov.org]; Freeman, Michael [michael.freeman@sfgov.org]; Goldstein, Cynthia [cynthia.goldstein@sfgov.org]; Goudeau, Matthew [matthew.goudeau@sfgov.org]; Grieco, Anthony [anthony.grieco@sfgov.org]; Hui, Tom [tom.hui@sfgov.org]; Kremenak, Charles [charles.kremenak@sfgov.org]; Lau, Agnes [agnes.lau@sfgov.org]; Lowrey, Daniel [daniel.lowrey@sfgov.org]; O'Riordan, Patrick [patrick.o'riordan@sfgov.org]; Panelli, Steven [steven.panelli@sfgov.org]; SF Docs; Sanchez, Scott [scott.sanchez@sfgov.org]; Sider, Dan [dan.sider@sfgov.org]; Sweeney, Edward [edward.sweeney@sfgov.org]; Tam, Tina [tina.tam@sfgov.org]; Venizelos, Thomas [thomas.venizelos@sfgov.org]; Wheaton, Nicole [nicole.wheaton@sfgov.org]

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for September 26, 2012 or October 03, 2012. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 10, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 21, 2012**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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SEP 21 2012

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 10, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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OCT - 5 2012

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the Sept. 19, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

(5) APPEAL NO. 11-095

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	40-50 Lansing Street. Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414). APPLICATION NO. 2011/08/24/3104. PUBLIC HEARING HELD NOV. 16, 2011; FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.
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(6) APPEAL NO. 12-096

AMERICAN LEGION WAR MEMORIAL COMMISSION, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent	401 Van Ness Avenue. Protesting the granting on July 18, 2012, to Dept. of Public Works, Certificate of Appropriateness (exterior alterations to subject property). MOTION NO. 0166. FOR HEARING TODAY.
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(7) APPEAL NO. 12-082

ROBIN STEELE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	585 Marina Blvd. Appealing a Letter of Determination dated June 29, 2012, addressed to Larry Paul at L.A. Paul & Associates, regarding the calculation of height for buildings with a single-pitch, shed roof, and whether the proposed shed roof form complies with the Planning Code. FOR HEARING TODAY.
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(8) APPEAL NO. 12-098

ERIC FOSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2888 Folsom Street. Protesting the issuance on August 03, 2012, to New China Realty, Permit to Alter a Building (remove illegal unit at garage level; remove illegal kitchen and bath; cap all utilities at source; convert to storage). APPLICATION NO. 2012/08/03/6539. FOR HEARING TODAY.
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Date posted: **Oct. 05, 2012**

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Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

GOVERNMENT
DOCUMENTS DEPT

October 10, 2012

APR 29 2013

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, OCTOBER 10, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Tim Frye, Preservation Planner, Historic Preservation Commission (HPC); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the September 19, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the September 19, 2012 minutes.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) REHEARING REQUEST:**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0 to continue the rehearing request to December 5, 2012 at the request of the parties.

SPEAKERS: Andrew Zacks, attorney for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 11-095

<p>PAT BUSCOVICH, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>40-50 Lansing Street.</p> <p>Protesting the issuance August 24, 2011, to Lambert Development Lansing LLC, Permit to Alter a Building (demolish and remove existing wood form work/shoring at north end of building, adjacent to 15 Guy Place; in order to comply with NOV Nos. 200926808 and 201190414).</p> <p>APPLICATION NO. 2011/08/24/3104.</p> <p>PUBLIC HEARING HELD NOV. 16, 2011; FOR FURTHER</p>
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<p>CONSIDERATION TODAY. Note: matter continued to allow time for DBI to conduct a site visit; no additional briefing is allowed.</p>

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0 to continue the matter to the Call of the Chair at the request of the parties and to allow related litigation to proceed.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-096

<p>AMERICAN LEGION WAR MEMORIAL COMMISSION, Appellant(s) vs. HISTORIC PRESERVATION COMMISSION, Respondent</p>	<p>401 Van Ness Avenue. Protesting the granting on July 18, 2012, to Dept. of Public Works, Certificate of Appropriateness (exterior alterations to subject property). MOTION NO. 0166. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 4-0 to grant the appeal and uphold the Historic Preservation Commission Motion on the condition that it be revised to include an additional Condition of Approval that reads:

As part of the Building Permit, the Project Sponsor shall provide a mock-up of the skylight and roof rehabilitation for review and approval by the Planning Department Preservation staff. The Project Sponsor shall provide additional information on the skylight and roof rehabilitation as determined by staff.

This motion is made on the basis of the requirements of Planning Code Section 1006.6 (3).

SPEAKERS: Nelson Lum, agent for appellant; Paul Cox, agent for appellant, Jerome Sapiro Jr., attorney for appellant; Tara Lamont, Department of Public Works Bureau of Architecture, agent for motion holder; Elizabeth Murray, Managing Director, War

Memorial and Performing Arts Center, agent for motion holder; Nancy Goldenberg, agent for motion holder; Tim Frye, HPC.

PUBLIC COMMENT: Paul Goercke, James McConnell, Mario Benfield, Richard Ow and Richard Sharez spoke in support of the appellant.

(7) APPEAL NO. 12-082

<p>ROBIN STEELE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent</p>	<p>585 Marina Blvd. Appealing a Letter of Determination dated June 29, 2012, addressed to Larry Paul at L.A. Paul & Associates, regarding the calculation of height for buildings with a single-pitch, shed roof, and whether the proposed shed roof form complies with the Planning Code. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Larry Paul, agent for appellant; Robin Steele, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Brian Jann spoke in support of the Zoning Administrator.

(8) APPEAL NO. 12-098

<p>ERIC FOSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2888 Folsom Street. Protesting the issuance on August 03, 2012, to New China Realty, Permit to Alter a Building (remove illegal unit at garage level; remove illegal kitchen and bath; cap all utilities at source; convert to storage). APPLICATION NO. 2012/08/03/6539. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-1 (President Hwang dissented) to deny the appeal and uphold the permit.

SPEAKERS: Eric Foss, appellant; Thomas Wu, agent for permit holder; Tom Corbett, agent for permit holder; Joseph Duffy DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:35 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 17, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 10, 2012 minutes.

(4) **APPEAL NO. 12-100**

KWIK AND CONVENIENT, Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

600 Monterey Blvd.
Appealing the thirty (30) day suspension of
Tobacco Sales Permit, imposed on
August 09, 2012. Reason for suspension:
selling tobacco products to minors.
DIRECTOR'S CASE NO. 1208086.
FOR HEARING TODAY.

REGULAR MEETING, BOARD OF APPEALS, OCTOBER 17, 2012 - PAGE 2

(5) APPEAL NO. 12-104

BASHIR SHAHIN dba "MARRAKECH MOROCCAN RESTAURANT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	419 O'Farrell Street. Appealing the thirty (30) day suspension of Tobacco Sales Permit, imposed on August 15, 2012. Reason for suspension: violation of State law and the San Francisco Health Code which prohibit the indoor smoking of tobacco products. DIRECTOR'S CASE NO. SMK12-09. FOR HEARING TODAY.
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(6) APPEAL NO. 12-102

AHMAD AL SURAIDEH, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESIBLE SERVICES, Respondent	Appealing the denial on August 17, 2012, of Ramp Taxi Medallion. FOR HEARING TODAY.
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(7) APPEAL NO. 12-103

PAUL IANTORNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1123 Folsom Street. Appealing the imposition of penalty on August 09, 2012, for construction work done without a permit. APPLICATION NO. 2012/04/12/8157. FOR HEARING TODAY.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-090

CAROL SELIGMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2705 Larkin Street. Protesting the issuance on July 27, 2012, to Peter Fenton, Permit to Alter a Building (demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions). APPLICATION NO. 2010/12/27/7441S. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, OCTOBER 17, 2012 - PAGE 3

(8B) APPEAL NO. 12-091

JIM STAFFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2705 Larkin Street. Protesting the issuance on July 27, 2012, to Peter Fenton, Permit to Alter a Building (demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions). APPLICATION NO. 2010/12/27/7441S. FOR HEARING TODAY.
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ITEMS (9A), (9B), (9C) & (9D) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 12-105

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. FOR HEARING TODAY.
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(9B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. FOR HEARING TODAY.
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(9C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. FOR HEARING TODAY.
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(9D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 12, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three

REGULAR MEETING, BOARD OF APPEALS, OCTOBER 17, 2012 - PAGE 5

minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

October 17, 2012

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SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, OCTOBER 17, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Larry Kessler, Environmental Health Section, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hurtado announced that she would need to leave the meeting at 7:00 p.m. President Hwang announced that she may not be able to attend the Board's October 24, 2012 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

<p>Discussion and possible adoption of the October 10, 2012 minutes.</p>

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the October 10, 2012 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 12-100

<p>KWIK AND CONVENIENT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>600 Monterey Blvd.</p> <p>Appealing the thirty (30) day suspension of Tobacco Sales Permit, imposed on August 09, 2012. Reason for suspension: selling tobacco products to minors.</p> <p>DIRECTOR'S CASE NO. 1208086.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-1 (President Hwang dissented) to grant the appeal and reduce the suspension to 25 days.

SPEAKERS: Howard Hibbard, attorney for appellant; Larry Kessler, DPH.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-104

<p>BASHIR SHAHIN dba "MARRAKECH MOROCCAN RESTAURANT", Appellant(s)</p> <p>vs.</p>	<p>419 O'Farrell Street.</p> <p>Appealing the thirty (30) day suspension of Tobacco Sales Permit, imposed on August 15, 2012. Reason for suspension: violation of State law and the San Francisco Health Code which</p>
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**DEPT. OF PUBLIC HEALTH,
Respondent**

**prohibit the indoor smoking of
tobacco products.**

**DIRECTOR'S CASE NO. SMK12-
09.**

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0 to continue the appeal to December 5, 2012 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-102

<p>AHMAD AL SURAIDEH, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESIBLE SERVICES, Respondent</p>	<p>Appealing the denial on August 17, 2012, of Ramp Taxi Medallion. FOR HEARING TODAY.</p>
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ACTION: The matter was withdrawn prior to hearing.

(7) APPEAL NO. 12-103

<p>PAUL IANTORNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1123 Folsom Street. Appealing the imposition of penalty on August 09, 2012, for construction work done without a permit. APPLICATION NO. 2012/04/12/8157. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to continue the appeal to November 7, 2012 to allow time for the parties to discuss resolution and for DBI to conduct additional research.

SPEAKERS: Paul Iantorno, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL WERE HEARD TOGETHER:

(8A) APPEAL NO. 12-090

<p>CAROL SELIGMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2705 Larkin Street. Protesting the issuance on July 27, 2012, to Peter Fenton, Permit to Alter a Building (demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions). APPLICATION NO. 2010/12/27/7441S. FOR HEARING TODAY.</p>
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(8B) APPEAL NO. 12-091

<p>JIM STAFFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2705 Larkin Street. Protesting the issuance on July 27, 2012, to Peter Fenton, Permit to Alter a Building (demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions). APPLICATION NO. 2010/12/27/7441S. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny both appeals and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Howard Ellman, attorney for appellants; Mark Mooney, agent for appellants; Pat Buscovich, agent for appellants; Mary Murphy, attorney for permit holder; Olle Lundberg, agent for permit holder; Lev Bereznycky, agent for permit holder; Jeff Maddox, agent for permit holder; Wayne Hu, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (9A), (9B), (9C) & (9D) WERE HEARD TOGETHER:**(9A) APPEAL NO. 12-105**

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. FOR HEARING TODAY.
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(9B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Erect a Building (four-story, two -unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. FOR HEARING TODAY.
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(9C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. FOR HEARING TODAY.
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(9D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s)	530 Sanchez Street.
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<p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>Protesting the issuance on August 20, 2012, to Brendan Fox, Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area).</p> <p>APPLICATION NO. 2005/05/03/1415S. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue all matters to October 24, 2012 to allow Commissioner Hurtado to participate in the vote.

SPEAKERS: Josh Bleacher Synder, appellant; Dennis Stewart, appellant; Lucian Blazej, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: George Knuepfel, Karen Randall and Lance Carnes spoke in support of the appellant. Mel Murphy, Seamus Collins and Luke O'Brien spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:22 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 24, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

OCT 19 2012

(3) **ADOPTION OF MINUTES:**

SAN FRANCISCO
PUBLIC LIBRARY

Discussion and possible adoption of the October 17, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

SFMTA Resolution No. 12-115. Letter from Mark Gruberg, agent for United Taxicab Workers (UTW), requestor, asking that the Board invoke subject matter jurisdiction over SFMTA Resolution No. 12-115, adopted Sept. 04, 2012, which authorizes the issuance of 150-200 temporary full-time medallions for a limited period of time. **Note:** On Sept. 18, 2012, the UTW filed Appeal No. 12-113 against said Resolution No. 12-115, and this appeal was rejected for lack of subject matter jurisdiction by the Board office after consultation with the Office of the City Attorney.

(5) APPEAL NO. 12-041

SUCCESS DEVELOPMENT INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	651-655 Geary Street. Appealing a Letter of Determination dated March 09, 2012, addressed to Anne Epperly at Luce Forward LLP, regarding the validity of a Conditional Use Authorization to demolish the existing building and construct a 13-story mixed use building at the subject property. FOR HEARING TODAY.
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(6) APPEAL NO. 12-092

METROPOL ENTERTAINMENT CORPORATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: GAYLORD HOTEL LLC	620 Jones Street. Appealing a Notice of Violation & Penalty dated August 02, 2012, regarding non-compliance by the Jones Restaurant & Bar with the conditions of approval under Conditional Use Motion No. 17565, specifically Condition No. 8 related to the hours of operation for the outdoor area. FOR HEARING TODAY.
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(7) APPEAL NO. 12-085

CAMBON CONNOISEUR COOPERATIVE INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	33 Cambon Drive aka 61-85 Cambon Drive. Appealing a Letter of Determination dated July 10, 2012, addressed to Matthew Girardi, regarding whether a Medical Cannabis Dispensary (MCD) use would be permitted at the subject property under the Planning Code. FOR HEARING TODAY.
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REGULAR MEETING, BOARD OF APPEALS, OCTOBER 24, 2012 - PAGE 3

ITEMS 8A) AND (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-110

DAVID NALE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	124-128 Fillmore Street. Appealing a Letter of Determination dated August 28, 2012, regarding a request to extend the expiration date of Variance Decision No. 2005.0228V. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-112

DEBORAH STOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	124-128 Fillmore Street. Protesting a Letter of Determination dated August 28, 2012, addressed to David Nale, regarding a request to extend the expiration date of Variance Decision No. 2005.0228V. FOR HEARING TODAY.
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(9) APPEAL NO. 12-111

SHANNON GALLAGHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2101 Washington Street. Protesting the issuance on August 27, 2012, to Recreation & Park Department, Permit to Erect a Building (single-story storage building with 520sf of ground floor area). APPLICATION NO. 2012/01/03/1610. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Oct. 19, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

REGULAR MEETING, BOARD OF APPEALS, OCTOBER 24, 2012 - PAGE 5

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at so tf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

ACCESSIBLE MEETING POLICY

American Sign Language interpreters will be available upon request. Every effort will be made to accommodate requests to make a **sound enhancement** system available at the meeting, to provide **meeting materials in alternative formats** and/or provide a reader, and to provide simultaneous translation in Spanish, Chinese and/or Russian during the meeting. For these requests, please contact Tom Nolan at the Department of Aging and Adult Services at (415) 355-3555, at least 72 hours before the meeting. Late requests will be honored if possible. **The hearing room is wheelchair accessible.**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

The LGBTS Taskforce meeting will be held at 25 Van Ness Avenue, 8th Floor (Conference Room). The closest accessible BART station is located at Civic Center. Accessible MUNI lines serving this location are the 47 Van Ness, the 71 Haight/Noriega, the 19 Polk, the F-Line streetcar beginning at the Ferry Building at Market out to Castro and the MUNI Metro at Van Ness and Civic Center. For information about MUNI accessible services call 923-6142. There is accessible parking available at the Civic Center Plaza Garage located at 355 McAllister, between Polk and Larkin, Level One near elevators. Metered street parking is also available. **The hearing room is wheelchair accessible.**

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the city and County exist to conduct the people business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at 415 554 7724; by fax at 415 554 7854; or by email at soft@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/>

To inspect documents referred to on agenda, please contact Tom Nolan, Department of Aging and Adult Services, 1650 Mission Street, 5th Floor, San Francisco, CA 94103, Office: (415) 355-3555, Fax: (415) 355-6785, E-mail: tom.nolan@sfgov.org

LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Francisco Campaign and governmental Conduct Code sections 2.100 – 2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900 San Francisco, CA 94102; telephone (415) 581-2300; (415) 581-2317 and website www.sfgov.org/ethics

SOUND-PRODUCING ELECTRONIC DEVICES PROHIBITED

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager or similar sound-producing electronic devices.

GOVERNMENT
DOCUMENTS DEPT

October 24, 2012

APR 29 2013

SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, OCTOBER 24, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: Vice President Frank Fung, Commissioner Arcelia Hurtado and
Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Christiane Hayashi, Director of Taxis and Accessible Services, San Francisco Municipal Transportation Agency (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Zoning Administrator Scott Sanchez announced that Planning Department staff member Linda Avery is retiring after 35 years of service to the City and 22 years serving as the Executive Secretary to the Planning Commission. He expressed his appreciation for her calming and consistent presence at the Planning Commission and wished her well in her retirement.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 17, 2012 minutes.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (President Hwang absent) to adopt the October 17, 2012 minutes.

PUBLIC COMMENT: None.

(4a) JURISDICTION REQUEST:

<p>SFMTA Resolution No. 12-115. Letter from Mark Gruberg, agent for United Taxicab Workers (UTW), requestor, asking that the Board invoke subject matter jurisdiction over SFMTA Resolution No. 12-115, adopted Sept. 04, 2012, which authorizes the issuance of 150-200 temporary full-time medallions for a limited period of time. Note: On Sept. 18, 2012, the UTW filed Appeal No. 12-113 against said Resolution No. 12-115, and this appeal was rejected for lack of subject matter jurisdiction by the Board office after consultation with the Office of the City Attorney.</p>

ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (President Hwang absent) to continue the item to November 7, 2012 to allow President Hwang to participate in the final vote. No additional briefing or arguments are allowed.

SPEAKERS: Mark Gruberg, agent for requestor; Christiane Hayashi, SFMTA.

PUBLIC COMMENT: Brad Newsham, Tara Housman, Saam Aryan, Tariq Mehmood, Martin Kazinski, Christopher Fulkerson, Abdullah Khamleh, Bill Mouhsey, Peter Witt, Nazeer Sadiq, Anwar Faquirfain, Jerry Meehan, Barry Korengold, Rua Graffis and Iza Pardinas spoke in support of the requestor.

(5) APPEAL NO. 12-041

<p>SUCCESS DEVELOPMENT INC., Appellant(s) vs.</p>	<p>651-655 Geary Street. Appealing a Letter of Determination dated March 09,</p>
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**ZONING ADMINISTRATOR,
Respondent**

2012, addressed to Anne Epperly at Luce Forward LLP, regarding the validity of a Conditional Use Authorization to demolish the existing building and construct a 13-story mixed use building at the subject property.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (President Hwang absent) to continue the item to January 9, 2013 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-092

**METROPOL ENTERTAINMENT
CORPORATION, Appellant(s)
vs.**

**ZONING ADMINISTRATOR,
Respondent**

**Subject Property Owner: GAYLORD
HOTEL LLC**

620 Jones Street.

**Appealing a Notice of Violation & Penalty dated August 02, 2012, regarding non-compliance by the Jones Restaurant & Bar with the conditions of approval under Conditional Use Motion No. 17565, specifically Condition No. 8 related to the hours of operation for the outdoor area.
FOR HEARING TODAY.**

ACTION: Upon motion by Commissioner Lazarus, the Board voted 3-0-1 (President Hwang absent) to continue the item to the Call of the Chair to allow the appellant time to pursue a modification to the subject Conditional Use Authorization.

SPEAKERS: Peter Glikshtern, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Courtney Utt, Keith Ensign and Barbara Cesana spoke in support of the Zoning Administrator.

(7) APPEAL NO. 12-085

CAMBON CONNOISEUR

**33 Cambon Drive aka 61-85
Cambon Drive.**

COOPERATIVE INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	Appealing a Letter of Determination dated July 10, 2012, addressed to Matthew Girardi, regarding whether a Medical Cannabis Dispensary (MCD) use would be permitted at the subject property under the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (President Hwang absent) to continue the item to December 5, 2012 at the request of the appellant.

SPEAKERS: Matthew Girardi, attorney for appellant.

PUBLIC COMMENT: None.

ITEMS 8A) AND (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-110

DAVID NALE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	124-128 Fillmore Street. Appealing a Letter of Determination dated August 28, 2012, regarding a request to extend the expiration date of Variance Decision No. 2005.0228V. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-112

DEBORAH STOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	124-128 Fillmore Street. Protesting a Letter of Determination dated August 28, 2012, addressed to David Nale, regarding a request to extend the expiration date of Variance Decision No. 2005.0228V. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (President Hwang absent) to deny the appeals and uphold the Letter of Determination on the basis

that the Zoning Administrator has already made significant accommodations to the property owner.

SPEAKERS: Deborah Stott, appellant; David Nale, appellant/determination holder; Brett Gladstone, attorney for David Nale; Julia Campins, attorney for David Nale; Scott Sanchez, ZA.

PUBLIC COMMENT: Philip Sarris, Lucretia Rauh, Steve Lowinger and Kathleen Stroughter spoke in support of appellant Deborah Stott. Ellen Swain spoke in support of appellant/determination holder David Nale.

(9) APPEAL NO. 12-111

<p>SHANNON GALLAGHER, Appellant (s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>2101 Washington Street.</p> <p>Protesting the issuance on August 27, 2012, to Recreation & Park Department, Permit to Erect a Building (single-story storage building with 520sf of ground floor area).</p> <p>APPLICATION NO. 2012/01/03/1610.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-0-1 (President Hwang absent) to deny the appeal and uphold the permit for the reasons stated in the brief submitted by the permit holder.

SPEAKERS: Shannon Gallagher, appellant; Mary Hobson, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Cathy Siler, Taras Titarenko and Patricia Lovelock spoke in support of the appellant. Gerson Bernhard spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Fung adjourned the meeting at 9:30 p.m.

This summary statement is provided by the speaker. Its content is neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 4a:

From Peter Witt

MTA and TAXIS are in natural conflict....

We BOTH target low-end....> Local and Visitor – Transportation Markets.
But BETTER TAXI SERVICE to MTA is only one thing.....MORE CABS !!!!

MTA's not about – Mandated Dispatch Standers,
“ ” – Taxi Flow, Efficiency or Capacity.
“ ” – Retaining Quality Drivers,
“ ” – Ridership Satisfaction
“ ” – Less Congestion.

And why should they You can't make BUCKS..... in the “short-run” ...BY increasing “service”.

As for The Methods of Tracking and Monitoring the Mandated Dispatch Required.
NO OFFICIAL RECORDS are current or consistent..... thus unstable.

MTA's Panic attack is monetarily and politically motivated.
ManipulatingHearsay Antidote and using skewed DATA.
WITHOUT the -- PC&N study,
 -- PC&N HEARING
 -- Controllers report.

It's a **manifest injustice**.

A check and balanced system does not exist. And there is no alternative!
The heart of this case

Is BALANCE and that's in the interest of the public.

Is this America?? Are you not Americans??

Inbox (1 Items)

Help

New Reply Reply to All Forward

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Arrange by: Date Newest

Today

Pacheco, V... 10:47 ...
NOTICE OF NO ME...**NOTICE OF NO MEETING**

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, October 26, 2012 10:47 AM**To:** Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for October 31, 2012. The next regular meeting is scheduled for **WEDNESDAY, NOVEMBER 07, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 26, 2012**Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880GOVERNMENT
DOCUMENTS DEPT

OCT 26 2012

SAN FRANCISCO
PUBLIC LIBRARY

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 07, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 24, 2012 minutes.

GOVERNMENT
DOCUMENTS DEPT

NOV - 2 2012

(4) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(4a) JURISDICTION REQUEST:

SFMTA Resolution No. 12-115. Letter from Mark Gruberg, agent for United Taxicab Workers (UTW), requestor, asking that the Board invoke subject matter jurisdiction over SFMTA Resolution No. 12-115, adopted Sept. 04, 2012, which authorizes the issuance of 150-200 temporary full-time medallions for a limited period of time. **Note:** On Sept. 18, 2012, the UTW filed Appeal No. 12-113 against said Resolution No. 12-115, and this appeal was rejected for lack of subject matter jurisdiction by the Board office after consultation with the Office of the City Attorney. **Public hearing was held on Oct. 24, 2012; matter continued to allow President Hwang to participate in the final vote.**

(4b) JURISDICTION REQUEST:

Subject property at 483 Guerrero Street. Letter from Andrew Zacks, attorney for Richard Winer & Mary Marzotto, requestors, asking that the Board take jurisdiction over BPA No. 2012/03/06/5491, which was issued on March 13, 2012. The appeal period ended on March 28, 2012, and the jurisdiction request was filed at the Board office on Oct. 09, 2012. Permit Holder: Kamal Barbhuya. Project: remodel restroom to meet ADA code for coffee shop max. 15 seats; no food preparation; remodel service area counter and prep area.

(5) APPEAL NO. 12-027

<p>INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. PUBLIC HEARING HELD APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant to search for alternate housing; additional briefing is allowed.</p>
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(6) APPEAL NO. 12-089

<p>HENRY JOHNSON, Appellant(s) vs. POLICE DEPARTMENT, Respondent</p>	<p>1195 Quesada Street. Appealing the denial on July 23, 2012, of Tow Car Operator Permit (P43). PUBLIC HEARING HELD SEPT. 19, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for SFPD to clarify its departmental action; additional briefing is allowed.</p>
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(7) APPEAL NO. 12-103

<p>PAUL IANTORNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1123 Folsom Street. Appealing the imposition of penalty on August 09, 2012, for construction work done without a permit. APPLICATION NO. 2012/04/12/8157. PUBLIC HEARING HELD OCT. 17, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant and DBI to seek a resolution.</p>
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REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 07, 2012 - PAGE 3

(8) APPEAL NO. 12-116

KEVIN CHENG & TODD MAVIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1101-1103, 1105 & 1111 Dolores Street. Appealing a Revised Letter of Determination dated Sept. 11, 2012, addressed to Lawrence Badiner at Urban Planner, that the subject lot is considered to be a legal, non-conforming lot for the purposes of the Planning Code, and that no variances are required in order to address areas of non-compliance. FOR HEARING TODAY.
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(9) APPEAL NO. 12-117

NICHOLAS ANDRADE & JAMES McDERMOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	498 Hoffman Avenue. Appealing a Letter of Determination dated Sept. 17, 2012, addressed to Allen Sowle, regarding the legal dwelling unit count for the subject property. FOR HEARING TODAY.
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(10) APPEAL NO. 12-097

LORI LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4077-4079 – 23 rd Street. Protesting the issuance on August 09, 2012, to Erin Bailey, Permit to Alter a Building (front building – install non-fixed screen in front, no roof, not attached to building; no building permit required). APPLICATION NO. 2012/08/02/6385. FOR HEARING TODAY.
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ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) APPEAL NO. 12-114

KRISTA LOTTO & UBALDO RODRIGUEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2374 Greenwich Street. Protesting the issuance on Sept. 13, 2012, to Sam Hunt, Permit to Alter a Building (new deck at rear yard; 10 feet above grade; 42" high guardrail; setback 5'-0" from side property lines and 25'-0" from rear yard). APPLICATION NO. 2012/09/11/9395. FOR HEARING TODAY.
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(11B) APPEAL NO. 12-115

JOSEPH GIRAUDO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2374 Greenwich Street. Protesting the issuance on Sept. 13, 2012, to Sam Hunt, Permit to Alter a Building (new deck at rear yard; 10 feet above grade; 42" high guardrail; setback 5'-0" from side property lines and 25'-0" from rear yard). APPLICATION NO. 2012/09/11/9395. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Nov. 02, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

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REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 07, 2012 - PAGE 5

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



November 7, 2012

GOVERNMENT
DOCUMENTS DEPT

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BOARD OF APPEALSSAN FRANCISCO
PUBLIC LIBRARY**CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, NOVEMBER 7, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Ed Reiskin, Director of Transportation, San Francisco Municipal Transportation Agency (SFMTA); Christiane Hayashi, Director of Taxis and Accessible Services, SFMTA; Robert Forneris, Permit Bureau, San Francisco Police Department (SFPD); William Coggan, SFPD; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Saam Aryan spoke about the Board's jurisdiction and individuals who do not have the funds to hire legal representation.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 24, 2012 minutes.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0 to adopt the October 24, 2012 minutes.

PUBLIC COMMENT: None.

(4a) JURISDICTION REQUEST:

SFMTA Resolution No. 12-115. Letter from Mark Gruberg, agent for United Taxicab Workers (UTW), requestor, asking that the Board invoke subject matter jurisdiction over SFMTA Resolution No. 12-115, adopted Sept. 04, 2012, which authorizes the issuance of 150-200 temporary full-time medallions for a limited period of time. Note: On Sept. 18, 2012, the UTW filed Appeal No. 12-113 against said Resolution No. 12-115, and this appeal was rejected for lack of subject matter jurisdiction by the Board office after consultation with the Office of the City Attorney.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 2-2 (Vice President Fung and Commissioner Hurtado dissented) to deny the jurisdiction request. Lacking the three votes needed to pass, the motion failed. With no further motion made, the jurisdiction request was denied by operation of law.

SPEAKERS: Mark Gruberg, agent for requestor; Ed Reiskin, SFMTA; Christiane Hayashi, SFMTA.

PUBLIC COMMENT: Supervisor Scott Wiener spoke in support of the SFMTA. Tara Housman, Saam Aryan, Martin Kazinski, Brad Newsham, Benjamin Valis, Edwin Santiago, Stephen Humenay, Firouz Mahdavi, Christopher Fulkerson, Tariq Mehmood, Jerry Meehan, Barry Korengold, Iza Pardinas, Naeem Malik, Ed Healy, Peter Witt, Mohamed Bathai, Marvin Ramos and Rua Graffis and spoke in support of the requestor.

(4b) JURISDICTION REQUEST:

Subject property at 483 Guerrero Street. Letter from Andrew Zacks, attorney for Richard Winer & Mary Marzotto, requestors, asking that the Board take jurisdiction over BPA No. 2012/03/06/5491, which was issued

on March 13, 2012. The appeal period ended on March 28, 2012, and the jurisdiction request was filed at the Board office on Oct. 09, 2012. Permit Holder: Kamal Barbhuya. Project: remodel restroom to meet ADA code for coffee shop max. 15 seats; no food preparation; remodel service area counter and prep area.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the jurisdiction request.

SPEAKERS: Andrew Zacks, attorney for requestors; Ahmad Larizadeh, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-027

<p>INGE DHILLON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>21 Rosemont Place. Protesting the issuance on February 15, 2012, to Jonathon Withrington, Permit to Alter a Building (clear complaint #2011755835 remove illegal unit in garage, convert area to workshop with ½ bath). APPLICATION NO. 2012/02/13/4029. PUBLIC HEARING HELD APRIL 18, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant to search for alternate housing; additional briefing is allowed.</p>
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ACTION: Upon motion by President Hwang, the Board voted 4-0 to deny the appeal and uphold the permit.

SPEAKERS: None. The parties did not appear.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-089

<p>HENRY JOHNSON, Appellant(s)</p>	<p>1195 Quesada Street.</p>
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<p style="text-align: center;">vs.</p> <p style="text-align: center;">POLICE DEPARTMENT, Respondent</p>	<p>Appealing the denial on July 23, 2012, of Tow Car Operator Permit (P43).</p> <p>PUBLIC HEARING HELD SEPT. 19, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for SFPD to clarify its departmental action; additional briefing is allowed.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-1 (Commissioner Lazarus dissented) to grant the appeal, overrule the department and issue the permit on the basis that the appellant fully disclosed his conviction history at the time he applied for the permit and that there is no proof in the record of any conviction.

SPEAKERS: Henry Johnson, appellant; William Coggan, SFPD.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-103

<p>PAUL IANTORNO, Appellant(s)</p> <p style="text-align: center;">vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p>	<p>1123 Folsom Street.</p> <p>Appealing the imposition of penalty on August 09, 2012, for construction work done without a permit.</p> <p>APPLICATION NO. 2012/04/12/8157.</p> <p>PUBLIC HEARING HELD OCT. 17, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the appellant and DBI to seek a resolution.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to grant the appeal and reduce the penalty to two times the regular fee.

SPEAKERS: Paul Iantorno, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-116

**KEVIN CHENG & TODD MAVIS,
Appellant(s)**

vs.

**ZONING ADMINISTRATOR,
Respondent**

**1101-1103, 1105 & 1111 Dolores
Street.**

**Appealing a Revised Letter of
Determination dated Sept. 11,
2012, addressed to Lawrence
Badiner at Urban Planner, that
the subject lot is considered to be
a legal, non-conforming lot for
the purposes of the Planning
Code, and that no variances are
required in order to address
areas of non-compliance.**

FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 2-1-1 (Vice President Fung dissented, Commissioner Hurtado absent) to deny the appeal and uphold the Revised Letter of Determination on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator. Lacking the three votes needed to pass, the motion failed. With no further motion made, the Revised Letter of Determination was upheld by operation of law.

SPEAKERS: Todd Mavis, appellant; Bob Passmore, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(9) APPEAL NO. 12-117

NICHOLAS ANDRADE

& JAMES McDERMOTT, Appellant(s)

vs.

**ZONING ADMINISTRATOR,
Respondent**

498 Hoffman Avenue.

**Appealing a Letter of
Determination dated Sept. 17,
2012, addressed to Allen Sowle,
regarding the legal dwelling unit
count for the subject property.**

FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 2-1-1 (Vice President Fung dissented, Commissioner Hurtado absent) to deny the appeal and uphold the Letter of Determination on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator. Lacking the three votes needed to pass, the motion failed. With no further motion made, the Letter of Determination was upheld by operation of law.

SPEAKERS: Allen Sowle, attorney for appellants; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-097

<p style="text-align: center;">LORI LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>4077-4079 – 23rd Street. Protesting the issuance on August 09, 2012, to Erin Bailey, Permit to Alter a Building (front building – install non-fixed screen in front, no roof, not attached to building; no building permit required). APPLICATION NO. 2012/08/02/6385. FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to continue the matter to January 16, 2013 to allow time for the permit holder to cancel the permit.

SPEAKERS: None. The parties did not appear.

PUBLIC COMMENT: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) APPEAL NO. 12-114

<p style="text-align: center;">KRISTA LOTTO & UBALDO RODRIGUEZ, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>2374 Greenwich Street. Protesting the issuance on Sept. 13, 2012, to Sam Hunt, Permit to Alter a Building (new deck at rear yard; 10 feet above grade; 42" high guardrail; setback 5'-0" from side property lines and 25'-0" from rear yard). APPLICATION NO. 2012/09/11/9395. FOR HEARING TODAY.</p>
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(11B) APPEAL NO. 12-115

JOSEPH GIRAUDO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2374 Greenwich Street. Protesting the issuance on Sept. 13, 2012, to Sam Hunt, Permit to Alter a Building (new deck at rear yard; 10 feet above grade; 42" high guardrail; setback 5'-0" from side property lines and 25'-0" from rear yard). APPLICATION 2012/09/11/9395. FOR HEARING TODAY. NO.
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Due to the cancellation of the subject permit at the request of the permit holder, these matters were administratively withdrawn and were not heard.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 14, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

NOV - 9 2012

(3) **ADOPTION OF MINUTES:**

SAN FRANCISCO
PUBLIC LIBRARY

Discussion and possible adoption of the November 07, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUESTS:**

Subject property at 2705 Larkin Street. Letter from Howard Ellman & Kimberly Huangfu, attorneys for Carol Seligman and Jim Stafford, appellants, requesting rehearing of Appeal Nos. 12-090 / 091, decided Oct. 17, 2012. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holder: Peter Fenton. Project: demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions; BPA No. 2010/12/27/7441S.

(5) APPEAL NO. 12-128

ANASTASIA GLIKSHTERN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	70 Elk Street. Protesting the issuance on Sept. 28, 2012, to Recreation & Park Department, Permit to Alter a Building (to make ADA accessible: path of travel, restrooms, doors, drinking fountain; mechanical, electrical work to the site and restrooms and drinking fountain including concrete slab in restrooms; new landscape work to the site. APPLICATION NO. 2012/07/17/5064. FOR HEARING TODAY.
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(6) APPEAL NO. 12-099

MOHAMMED HOURIAN dba "CAFÉ CHANTA", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	587 Post Street. Appealing the revocation on August 15, 2012, of Permit to Operate. DIRECTOR'S CASE NO. SMK12-07. FOR HEARING TODAY.
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(7) APPEAL NO. 12-122

FRANCISCA HERCULES & SONIA PAZ dba "A-1 LIQUOR & GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4055 Irving Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Sept. 28, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 09122012-01. FOR HEARING TODAY.
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(8) APPEAL NO. 12-123

SCOTT ROSIEN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3566 – 19 th Street. Protesting the issuance on Oct. 03, 2012, to Ginny Colbert, Sidewalk Landscaping Permit. PERMIT NO. 769153. FOR HEARING TODAY.
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(9) APPEAL NO. 12-126

2 nd STREET MERCHANTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	150 California Street & 84 – 2 nd Street. Protesting the issuance on Sept. 28, 2012, to Expresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks). PERMIT NO. 11MFF-0167. FOR HEARING TODAY.
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(10) SPECIAL ITEM:

Discussion and possible adoption of the departmental annual report for fiscal year 2011-2012.

ADJOURNMENT.

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Date posted: **November 09, 2012**

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 14, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Janine Young, Senior Health Inspector, Environmental Health Section, Department of Public Health (DPH); Larry Kessler, Senior Environmental Health Specialist, DPH; John Kwong, Manager, Bureau of Street Use and Mapping, Department of Public Works (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Hwang announced that Commissioner Hurtado was delayed due to a work emergency and that she would be arriving late.

PUBLIC COMMENT: None.

GOVERNMENT
DOCUMENTS DEPT

(3) ADOPTION OF MINUTES:

DEC - 6 2012

Discussion and possible adoption of the November 7, 2012 minutes.

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ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to adopt the November 7, 2012 minutes with a correction to the vote count for Item #10.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUESTS:**

Subject property at 2705 Larkin Street. Letter from Howard Ellman & Kimberly Huangfu, attorneys for Carol Seligman and Jim Stafford, appellants, requesting rehearing of Appeal Nos. 12-090 / 091, decided Oct. 17, 2012. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holder: Peter Fenton. Project: demolish rear wall; build new horizontal addition at rear while conforming to Residential Design Guidelines by stepping back in two directions; BPA No. 2010/12/27/7441S.

ACTION: Upon motion by Vice President Fung, the Board voted 3-0-1 (Commissioner Hurtado absent) to deny the rehearing requests.

SPEAKERS: Kimberly Huangfu, attorney for requestors; Patrick Buscovich, agent for requestors; Mary Murphy, attorney for permit holder; Allison Kidd, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 12-128**

ANASTASIA GLIKSHTERN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	70 Elk Street. Protesting the issuance on Sept. 28, 2012, to Recreation & Parks Department, Permit to Alter a Building (to make ADA accessible: path of travel, restrooms, doors, drinking fountain; mechanical, electrical work to the site and restrooms and drinking fountain including concrete slab in restrooms; new landscape work to the site. APPLICATION NO. 2012/07/17/5064. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Anastasia Glikshtern, appellant; Arnita Bowman, agent for appellant; Karen Mauney-Brodek, agent for permit holder; Dawn Kamalanathan, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Dolan Eargle, Carolyn Kernberger, Annamaria Manodori, Sophia Manodori, Miriam Moss, Toni Estrella, Stephen Luborskey, Eugene Bachmanov and Carolyn Johnston spoke in support of the appellant. Mike Gualco, Rose Katz, Craig Scott, Vince Adams, Sally Ross, Michael Rice, Nicholas Dewar, Linda Shaffer, Denise Louie, Bob Siegel, Ruth Gravanis and Betsy Eddy spoke in support of the permit holder.

REGULAR MEETING, BOARD OF APPEALS, NOVEMBER 14, 2012 - PAGE 3

(6) APPEAL NO. 12-099

MOHAMMED HOURIAN dba "CAFÉ CHANTA", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	587 Post Street. Appealing the revocation on August 15, 2012, of Permit to Operate. DIRECTOR'S CASE NO. SMK12-07. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0 to grant the appeal and overrule the revocation of the permit for the reasons stated at the hearing by the Department of Public Health.

SPEAKERS: Mohammed Hourian, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-122

FRANCISCA HERCULES & SONIA PAZ dba "A-1 LIQUOR & GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4055 Irving Street. Appealing a twenty-five (25) day suspension of a Tobacco Product Sales Permit, imposed on Sept. 28, 2012. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 09122012-01. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 3-1 (President Hwang dissented) to grant the appeal and reduce the suspension to ten days.

SPEAKERS: Francisca Hercules, appellant; Sonia Paz, appellant; Larry Kessler, DPH.

PUBLIC COMMENT: None.

(8) APPEAL NO. 12-123

SCOTT ROSIEN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3566 – 19 th Street. Protesting the issuance on Oct. 03, 2012, to Ginny Colbert, Sidewalk Landscaping Permit. PERMIT NO. 769153. FOR HEARING TODAY.
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Due to the cancellation of the subject permit at the request of the permit holder, this matter was administratively withdrawn and was not heard.

(9) APPEAL NO. 12-126

2 nd STREET MERCHANTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	150 California Street & 84 – 2 nd Street. Protesting the issuance on Sept. 28, 2012, to Expresso Subito LLC, Mobile Food Facility Permit (sale of espresso drinks). PERMIT NO. 11MFF-0167. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 2-2 (Vice President Fung and Commissioner Lazarus dissented) to deny the appeal and uphold the permit based on the Department of Public Works finding that the permit is not for the sale of like foods. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit is upheld by operation of law.

SPEAKERS: Jay Walsh, agent for appellant; Gary Goldstein, permit holder; Deborah Kartiganer, attorney for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Jamie Patrick, Monesh Josan, Paul Ayanian, Karen Smith, Ken Cleaveland, Benjamin Miller and Patricia Vaughey spoke in support of the appellant. Trevor Arnold, Hilary Kronenberg, Marcus Mullins and Jeff Kilgore spoke in support of the permit holder.

(10) SPECIAL ITEM:

Discussion and possible adoption of the departmental annual report for fiscal year 2011-2012.

ACTION: Upon motion by President Hwang, the Board voted 4-0 to adopt the annual report as revised at hearing.

SPEAKERS: Director Goldstein provided an overview of the report.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:45 p.m.

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Today

Pacheco, V... 10:25 ...
PUBLIC NOTICE

PUBLIC NOTICE

Pacheco, Victor [victor.pacheco@sfgov.org]

Sent: Friday, November 16, 2012 10:25 AM

To: Boyajian, Judy [judy.boyajian@sfgov.org];
Bryan, Robert [robert.bryan@sfgov.org];
Chin, Jack [jack.chin@sfgov.org];
Duffy, Joseph [joseph.duffy@sfgov.org];
Freeman, Michael [michael.freeman@sfgov.org];

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for Nov. 21, 2012 or Nov. 28, 2012. The next regular meeting is scheduled for **WEDNESDAY, DECEMBER 05, 2012**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Nov. 15, 2012**

Victor F. Pacheco. Legal Assistant

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NOV 16 2012

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BOARD OF APPEALS

NOV 30 2012

CITY & COUNTY OF SAN FRANCISCOSAN FRANCISCO
PUBLIC LIBRARY**AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 05, 2012****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE****(1) PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS**(3) ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 14, 2012 minutes.

(4) ADDENDUM ITEMS:**(4a) JURISDICTION REQUEST:**

Subject property at 390-392 Corbett Avenue. Letter from Matthew Gluck, attorney for Philip deBuren & Lois Ehrenfeld, requestors, asking that the Board take jurisdiction over BPA No. 2012/03/29/7158, which was issued on April 06, 2012. The appeal period ended on April 23, 2012, and the jurisdiction request was filed at the Board office on Oct. 30, 2012. Permit Holder: Alana Kaselitz. Project: remove all plaster and drywall; rewire to Code; install new plumbing to Code; re-configure wall space to create large living rooms and bathrooms; new drywall doors and trim; comply with BID No. 201208661 dated March 28, 2012.

(4b) REHEARING REQUEST:

Subject property at 1195 Quesada Street. Letter from William Coggan, SFPD Permit Hearing Officer, requesting rehearing of Appeal No. 12-089, Johnson vs. SFPD, decided Nov. 07, 2012. At that time, the Board voted 3-1-1 (Commissioner Lazarus dissented, one vacancy) to grant the appeal, overrule the denial of Tow Car Operator Permit, and issue the permit on the basis that the appellant fully disclosed his conviction history at the time he applied for the permit and that there is no proof in the record of any conviction. Appellant: Henry Johnson.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 05, 2012 - PAGE 2

(5) APPEAL NO. 12-129

PIERRE VIGNEAU, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1901 Geary Blvd. Protesting the issuance on October 03, 2012, to Recreation & Park Department, Permit to Remove Fourteen (14) Trees. ORDER NO. 180717. FOR HEARING TODAY.
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(6) APPEAL NO. 12-085

CAMBON CONNOISSEUR COOPERATIVE INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	33 Cambon Drive aka 61-85 Cambon Drive. Appealing a Letter of Determination dated July 10, 2012, addressed to Matthew Girardi, regarding whether a Medical Cannabis Dispensary (MCD) use would be permitted at the subject property under the Planning Code. FOR HEARING TODAY.
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(7) APPEAL NO. 12-109

RICHARD WINER & MARY MARZOTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	483 Guerrero Street. Protesting the issuance on August 28, 2012, to Kamal Barbhuya, Permit to Alter a Building (add hood to approved coffee shop/limited restaurant; maximum 15 seats). APPLICATION NO. 2012/05/24/1175. FOR HEARING TODAY.
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ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 12-124

COURTNEY UTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	691 Post Street. Protesting the issuance on October 04, 2012, to Hawthorne/Stone, Permit to Alter a Building (installation of gate between 691 Post and 642 Jones in front of alley per DPW Permit No. 12MSE-0111 and Fire Department). APPLICATION NO. 2012/09/05/8969. FOR HEARING TODAY.
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(8B) APPEAL NO. 12-125

COURTNEY UTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	642 Jones Street. Protesting the issuance on October 02, 2012, to Elizabeth Apt. LLP, Permit to Alter a Building (installation of gate between 691 Post and 642 Jones in front of alley per DPW Permit No. 12MSE-0111 and Fire Department). APPLICATION NO. 2012/09/05/8971. FOR HEARING TODAY.
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ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 12-127

PHILIP deBUREN & LOIS EHRENFELD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	390-392 Corbett Avenue. Protesting the issuance on September 27, 2012, to Alana Kaselitz, Permit to Alter a Building (replace burned stairs and landing; revision to BPA No. 2012/03/29/7158; comply with NOV No. 201208661 and complaint No. 201202882). APPLICATION NO. 2012/09/27/0770. FOR HEARING TODAY.
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(9B) APPEAL NO. 12-134

PHILIP deBUREN & LOIS EHRENFELD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	390-392 Corbett Avenue. Protesting the issuance on October 17, 2012, to Alana Kaselitz, Permit to Alter a Building (removal of gable / pitch roof - fire damaged; install flat roof over same area; revision to BPA No. 2012/03/29/7158; comply with NOV Nos. 201208081 and 201208661). APPLICATION NO. 2012/10/09/1615. FOR HEARING TODAY.
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(10) APPEAL NO. 12-130

BAY VIEW OFFICE FOR COMMUNITY PLANNING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2065 Oakdale Avenue. Protesting the issuance on October 11, 2012, to Jack Tsang, Permit to Alter a Building (remove deteriorated vacant warehouse building; existing main building to remain). APPLICATION NO. 2012/10/09/1608. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 30, 2012**

MEMBERS OF THE BOARD OF APPEALS
--

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER
VACANT	-----

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office and on the Board's website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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December 5, 2012

APR 29 2013

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, DECEMBER 05, 2012
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Frank Fung, Commissioner Darryl Honda, Commissioner Arcelia Hurtado and Commissioner Ann Lazarus.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping, (DPW BSM); Cynthia Goldstein, Executive Director; Xiomara Velez, Legal Process Clerk.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg spoke about a Jurisdiction Request filed by United Taxicab Workers that was heard at prior Board meetings, about a City Attorney memorandum prepared for that item, and the time allotted to each side to present its case. He also spoke about the lack of records produced in response to a public records request he filed seeking documents related to any meetings held between representatives of the Board and the Municipal Transportation Agency. He also spoke about the lack of attention and understanding given to taxi drivers and their issues.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Hwang welcomed Commissioner Honda to the Board, described Commissioner Honda's background and experience, and thanked him for his willingness to serve.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 14, 2012 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the November 14, 2012 minutes.

PUBLIC COMMENT: None.

(4a) **JURISDICTION REQUEST:**

Subject property at 390-392 Corbett Avenue. Letter from Matthew Gluck, attorney for Philip deBuren & Lois Ehrenfeld, requestors, asking that the Board take jurisdiction over BPA No. 2012/03/29/7158, which was issued on April 06, 2012. The appeal period ended on April 23, 2012, and the jurisdiction request was filed at the Board office on Oct. 30, 2012. Permit Holder: Alana Kaselitz. Project: remove all plaster and drywall; rewire to Code; install new plumbing to Code; re-configure wall space to create large living rooms and bathrooms; new drywall doors and trim; comply with BID No. 201208661 dated March 28, 2012.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue the matter to February 13, 2013 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Subject property at 1195 Quesada Street. Letter from William Coggan, SFPD Permit Hearing Officer, requesting rehearing of Appeal No. 12-089, Johnson vs.

SFPD, decided Nov. 07, 2012. At that time, the Board voted 3-1-1 (Commissioner Lazarus dissented, one vacancy) to grant the appeal, overrule the denial of Tow Car Operator Permit, and issue the permit on the basis that the appellant fully disclosed his conviction history at the time he applied for the permit and that there is no proof in the record of any conviction. Appellant: Henry Johnson.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue the matter to January 9, 2013 with the agreement of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 12-129

PIERRE VIGNEAU, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1901 Geary Blvd. Protesting the issuance on October 03, 2012, to Recreation & Park Department, Permit to Remove Fourteen (14) Trees. ORDER NO. 180717. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis stated in the Department of Public Works Order.

SPEAKERS: Pierre Vigneau, appellant; Dan Mauer, agent for permit holder; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(6) APPEAL NO. 12-085

CAMBON CONNOISSEUR COOPERATIVE INC., Appellant(s) vs.	33 Cambon Drive aka 61-85 Cambon Drive. Appealing a Letter of Determination dated July 10, 2012, addressed to Matthew Girardi, regarding whether a
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ZONING ADMINISTRATOR, Respondent	Medical Cannabis Dispensary (MCD) use would be permitted at the subject property under the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to deny the appeal and uphold the Letter of Determination for the reasons stated in the Zoning Administrator's brief.

SPEAKERS: Matthew Girardi, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. 12-109

RICHARD WINER & MARY MARZOTTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	483 Guerrero Street. Protesting the issuance on August 28, 2012, to Kamal Barbhuya, Permit to Alter a Building (add hood to approved coffee shop/limited restaurant; maximum 15 seats). APPLICATION NO. 2012/05/24/1175. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to continue the matter to March 6, 2013 to allow time for (1) the permit holder to work with the Planning Department and Department of Building Inspection to determine how the proposed plans should be revised in order to be Code compliant; and (2) for the Planning Department and Department of Building Inspection to conduct research to ensure that the proper permits are in place to document the change of use from an art gallery to a coffee shop. Additional briefing is allowed as specified at hearing.

SPEAKERS: Richard Winer, appellant; Andrew Zacks, attorney for appellant; Patrick Buscovich, agent for appellant; Augustine Fallay, agent for permit holder; Ahmad Larizadeh, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Angela Lopez, David Lopez, Hana Metzger, Anna Slavin, Charles Cagnon, Denise Laws and Shirley Johnson spoke in support of the appellants.

ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER:**(8A) APPEAL NO. 12-124**

<p>COURTNEY UTT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>691 Post Street.</p> <p>Protesting the issuance on October 04, 2012, to Hawthorne/Stone, Permit to Alter a Building (installation of gate between 691 Post and 642 Jones in front of alley per DPW Permit No. 12MSE-0111 and Fire Department).</p> <p>APPLICATION NO. 2012/09/05/8969.</p> <p>FOR HEARING TODAY.</p>
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(8B) APPEAL NO. 12-125

<p>COURTNEY UTT, Appellant(s)</p> <p>vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent</p> <p>PLANNING DEPT. APPROVAL</p>	<p>642 Jones Street.</p> <p>Protesting the issuance on October 02, 2012, to Elizabeth Apt. LLP, Permit to Alter a Building (installation of gate between 691 Post and 642 Jones in front of alley per DPW Permit No. 12MSE-0111 and Fire Department).</p> <p>APPLICATION NO. 2012/09/05/8971.</p> <p>FOR HEARING TODAY.</p>
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ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that they are Code compliant.

SPEAKERS: Courtney Utt, appellant; Chuck Drees, agent for permit holder Hawthorne/Stone; Dennis Flynn, agent for permit holder Elizabeth Apt. LLP; Al Habegger, agent for permit holder Elizabeth Apt. LLP; Scott Haut, agent for permit holder Elizabeth Apt. LLP; Tracy Wu, agent for permit holder Elizabeth Apt. LLP; Joseph Duffy, DBI; John Kwong, DPW BSM.

PUBLIC COMMENT: Robert Cesana, Barbara Cesana and Lora Lauritch spoke in support of the appellant. Linda Adler spoke in support of the permit holder.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:**(9A) APPEAL NO. 12-127**

<p>PHILIP deBUREN & LOIS EHRENFELD, Appellant(s) vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>390-392 Corbett Avenue.</p> <p>Protesting the issuance on September 27, 2012, to Alana Kaselitz, Permit to Alter a Building (replace burned stairs and landing; revision to BPA No. 2012/03/29/7158; comply with NOV No. 201208661 and complaint No. 201202882).</p> <p>APPLICATION NO. 2012/09/27/0770. FOR HEARING TODAY.</p>
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(9B) APPEAL NO. 12-134

<p>PHILIP deBUREN & LOIS EHRENFELD, Appellant(s) vs.</p> <p>DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>390-392 Corbett Avenue.</p> <p>Protesting the issuance on October 17, 2012, to Alana Kaselitz, Permit to Alter a Building (removal of gable / pitch roof - fire damaged; install flat roof over same area; revision to BPA No. 2012/03/29/7158; comply with NOV Nos. 201208081 and 201208661).</p> <p>APPLICATION NO. 2012/10/09/1615. FOR HEARING TODAY.</p>
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ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue these matters to February 13, 2013 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 12-130

<p>BAY VIEW OFFICE FOR COMMUNITY PLANNING, Appellant(s) vs.</p>	<p>2065 Oakdale Avenue.</p> <p>Protesting the issuance on October 11, 2012, to Jack Tsang, Permit to Alter a Building (remove deteriorated vacant warehouse building; existing main building to remain).</p> <p>APPLICATION NO. 2012/10/09/1608.</p>
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DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to continue the matter to January 9, 2013 with the agreement of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 9:15 p.m.

December 12, 2012

GOVERNMENT
DOCUMENTS DEPT

APR 29 2013

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY,
DECEMBER 12, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items.

With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 5, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUESTS:**

Subject property at 124-128 Fillmore Street. Letter from David Nale, subject property owner/appellant, requesting rehearing of Appeal Nos. 12-110 and 12-112, decided October 24, 2012. At that time, the Board voted 3-0-2 (President Hwang absent, one vacancy) to uphold the Letter of Determination (LOD) on the basis that the Zoning Administrator has already made significant accommodations to the subject property

owner. Appellant in 12-112: Deborah Stott. LOD: regarding a request to extend the expiration date of Variance Decision No. 2005.0228V.

(4b) REHEARING REQUEST:

Subject property at 498 Hoffman Avenue. Letter from Allen Sowle, attorney for Nicolas Andrade & James McDermott, appellants, requesting rehearing of Appeal No. 12-117, decided Nov. 07, 2012. At that time, the Board voted 2-1-2 (Vice President Fung dissented, Commissioner Hurtado absent, one vacancy) to uphold the Letter of Determination on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator. Three out of four votes being required to overturn or modify a departmental action when a vacancy exists, the Letter of Determination was upheld by operation of law. LOD: regarding the legal dwelling unit count for the subject property.

(4c) REHEARING REQUEST:

Subject property at 150 California Street & 84 – 2nd Street. Letter from 2nd Street Merchants, appellant, requesting rehearing of Appeal No. 12-126, decided Nov. 14, 2012. At that time, the Board voted 2-2-1 (Vice President Fung & Commissioner Lazarus dissented, one vacancy) to uphold the subject Mobile Food Facility (MFF) permit on the basis that the sale of espresso drinks is not like foods under DPW's MFF guidelines. Three out of four votes being required to overturn or modify a departmental action when a vacancy exists, the permit was upheld by operation of law. Permit Holder: Espresso Subito LLC.

(4d) REHEARING REQUEST:

Subject property at 70 Elk Street. Letter from Anastasia Glikshtern, appellant, requesting rehearing of Appeal No. 12-128, decided Nov. 14, 2012. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holder: Recreation & Park Department. Project: to make ADA accessible; path of travel, restrooms, doors, drinking fountain; mechanical, electrical work to the site and restrooms and drinking fountain including concrete slab in restrooms; new landscape work to the site; BPA No. 2012/07/17/5064.

(5) APPEAL NO. 12-135

<p>MISSION PIERS DEVELOPMENT LLC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent</p>	<p>2121 – 3rd Street. Appealing the denial on October 19, 2012, of a Tree Removal Permit (four trees). ORDER NO. 180734. FOR HEARING TODAY.</p>
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ITEMS (6A), (6B), (6C) & (6D) SHALL BE HEARD TOGETHER:**(6A) APPEAL NO. 12-105**

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two -story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. PUBLIC HEARINGS HELD ON OCT. 17, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matters continued to allow Commissioner Hurtado to participate in the final vote.
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(6B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four- story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.
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(6C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two -story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. SEE NOTE IN ITEM 6A.
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(6D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s)	530 Sanchez Street.
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<p style="text-align: center;">vs.</p> <p style="text-align: center;">DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL</p>	<p>Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.</p>
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(7) APPEAL NO. 12-101

<p style="text-align: center;">SHUMEI FANG dba "CEO HEALTH CLUB INC.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent</p>	<p>130 Bush Street #601. Appealing a ninety (90) day suspension issued on August 14, 2012, of a Massage Establishment Permit. DIRECTOR'S CASE NO. MSG12-39. FOR HEARING TODAY.</p>
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard.

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 7, 2012**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
DARRYL HONDA	COMMISSIONER

ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office and on the Board's website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or

someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org . Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103



BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 12, 2012

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

GOVERNMENT
DOCUMENTS DEPT

(2) **COMMISSIONER COMMENTS & QUESTIONS**

DEC -7 2012

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the December 5, 2012 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUESTS:**

Subject property at 124-128 Fillmore Street. Letter from David Nale, subject property owner/appellant, requesting rehearing of Appeal Nos. 12-110 and 12-112, decided October 24, 2012. At that time, the Board voted 3-0-2 (President Hwang absent, one vacancy) to uphold the Letter of Determination (LOD) on the basis that the Zoning Administrator has already made significant accommodations to the subject property owner. Appellant in 12-112: Deborah Stott. LOD: regarding a request to extend the expiration date of Variance Decision No. 2005.0228V.

(4b) **REHEARING REQUEST:**

Subject property at 498 Hoffman Avenue. Letter from Allen Sowle, attorney for Nicolas Andrade & James McDermott, appellants, requesting rehearing of Appeal No. 12-117, decided Nov. 07, 2012. At that time, the Board voted 2-1-2 (Vice President Fung dissented, Commissioner Hurtado absent, one vacancy) to uphold the Letter of Determination on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator. Three out of four votes being required to overturn or modify a departmental action when a vacancy exists, the Letter of Determination was upheld by operation of law. LOD: regarding the legal dwelling unit count for the subject property.

REGULAR MEETING, BOARD OF APPEALS, DECEMBER 12, 2012 - PAGE 2

(4c) REHEARING REQUEST:

Subject property at 150 California Street & 84 – 2nd Street. Letter from 2nd Street Merchants, appellant, requesting rehearing of Appeal No. 12-126, decided Nov. 14, 2012. At that time, the Board voted 2-2-1 (Vice President Fung & Commissioner Lazarus dissented, one vacancy) to uphold the subject Mobile Food Facility (MFF) permit on the basis that the sale of espresso drinks is not like foods under DPW's MFF guidelines. Three out of four votes being required to overturn or modify a departmental action when a vacancy exists, the permit was upheld by operation of law. Permit Holder: Espresso Subito LLC.

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(5) APPEAL NO. 12-135

MISSION PIERS DEVELOPMENT LLC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2121 – 3 rd Street. Appealing the denial on October 19, 2012, of a Tree Removal Permit (four trees). ORDER NO. 180734. FOR HEARING TODAY.
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ITEMS (6A), (6B), (6C) & (6D) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 12-105

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. PUBLIC HEARINGS HELD ON OCT. 17, 2012. FOR FURTHER CONSIDERATION TODAY. Note: Matters continued to allow Commissioner Hurtado to participate in the final vote.
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(6B) APPEAL NO. 12-106

JOSH BLEECHER SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.
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(6C) APPEAL NO. 12-107

DENNIS STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Demolish a Building (two-story, single-family dwelling with 1,083sf of ground floor area). APPLICATION NO. 2005/05/03/1416. SEE NOTE IN ITEM 6A.
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(6D) APPEAL NO. 12-108

DENNIS STEWART Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Sanchez Street. Protesting the issuance on August 20, 2012, to Brendan Fox, of a Permit to Erect a Building (four-story, two-unit building with 1,413sf of ground floor area). APPLICATION NO. 2005/05/03/1415S. SEE NOTE IN ITEM 6A.
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(7) APPEAL NO. 12-101

SHUMEI FANG dba "CEO HEALTH CLUB INC.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	130 Bush Street #601. Appealing a ninety (90) day suspension issued on August 14, 2012, of a Massage Establishment Permit. DIRECTOR'S CASE NO. MSG12-39. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **December 7, 2012**

MEMBERS OF THE BOARD OF APPEALS
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CHRIS HWANG	PRESIDENT
FRANK FUNG	VICE PRESIDENT
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER
ANN LAZARUS	COMMISSIONER

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REGULAR MEETING, BOARD OF APPEALS, DECEMBER 12, 2012 - PAGE 5

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

December 19, 2012 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for December 19, 2012, December 26, 2012 or January 2, 2013. The next regular meeting is scheduled for **Wednesday, January 9, 2013, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **December 13, 2012**

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